

ORDER OF DISMISSAL

Harry E. Buchheister, Jr.

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

(A) a 24 ft. rear building envelope setback to rear property line for buildings 2,3,4,5 and 6, and a 20 ft. rear building envelope setback

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Gorkh

- 2

■ 3.

ORDER RECEIVED FOR FILING
Date 12/23/92
BY Dr. Horn

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Hovak

- 6 -

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. [Signature]

- 4 -

5.

- 7.

DATE: 12-9-92

Keys Development Corporation
405 E. Joppa Road 6300
Towson, Maryland 21286

RE:
CASE NUMBER: 93-153-A (Item 157)
N/S Pennsylvania Avenue, 18' N of Railroad Avenue
425-435 (odd) Pennsylvania Avenue and 417, 419, & 503 Joppa Road
9th Election District - 4th Councilmanic
Petitioner(s): Keys Development Corporation
HEARING: MONDAY, DECEMBER 14, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 153.00 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

cc: Keith E. Ronald, Esq.

NOVEMBER 13, 1992

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-153-A (Item 157)
N/S Pennsylvania Avenue, 18' N of Railroad Avenue
425-435 (odd) Pennsylvania Avenue and 417, 419, & 503 Joppa Road
9th Election District - 4th Councilmanic
Petitioner(s): Keys Development Corporation
HEARING: MONDAY, DECEMBER 14, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a 24 ft rear building envelope setback to rear property line for buildings #2, #3, #4, #5, and #6 and a 20 ft rear building envelope setback to rear property line for building #6 in lieu of the required 30 ft; a 11 ft side of building #3 envelope setback to private road in lieu of the required 25 ft; 21 ft side of building #1 and #4 envelope setback to public street right-of-way in lieu of the required 25 ft; to permit 2 ft and 7 ft parking to property line design standards in lieu of required setbacks in the landscape manual for buildings #7, #8, #9, and #10; to permit 3 ft parking to building in lieu of the required 6 ft setback in the landscape manual for buildings #7, #8, #9, and #10; to approve the modified parking plan; to permit 50 ft between facing windows at building envelopes #8 and #10 and 56 ft between facing windows at building envelopes #7 and #9 in lieu of the required 75 ft; to permit 64 ft between facing windows at building envelopes #7 and #8 and building envelopes #9 and #10 in lieu of the required 75 ft; to permit as close as 10 ft from building envelope to street line setback of Joppa Road in lieu of the required 15 ft for building #8; to permit 50 ft from building envelope to the street centerline on Joppa Road for building #8 and 55 ft from building envelope setback to the street centerline on Joppa Road for building #10 in lieu of the required 60 ft; to permit 20 ft building envelope setback to property line for buildings #7-#10 in lieu of the required 30 ft; to permit 24 ft building separation between alternative building envelope #4 to rear building face of alternative building #12 in lieu of the required 40 ft; and to permit 21 ft building separation between alternative building envelope #4 to rear building face of alternative building #11 in lieu of the required 40 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Keys Development Corporation
Keith E. Ronald, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

NOVEMBER 13, 1992

DEVELOPMENT PLAN
NOTICE OF HEARING OFFICER'S HEARING

DEVELOPMENT: HARRIS HILL

THE HEARING OFFICER'S HEARING OF THE ABOVE MATTER WILL TAKE AS FOLLOWS:

DATE: MONDAY, DECEMBER 14, 1992

TIME: 11:00 a.m.

LOCATION: RM. 118, COURTHOUSE, 400 WASHINGTON AVE., TOWSON MD.

Arnold Jablon

ARNOLD JABLON
DIRECTOR, ZADM

cc: George Holbeck/Cho, Mike & Dean
Keith E. Ronald, Esq.
Keys Development Corporation

December 2, 1992

Keith E. Ronald, Esquire
Thomas, Ronald & Cooper, P.A.
409 Washington Avenue, STE 314
Towson, MD 21204

RE: Case No. 93-153-A, Item No. 157
Petitioner: Keys Development Corporation
Petition for Variance

Dear Mr. Ronald:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this 4th day of November 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Keys Development Corporation
Petitioner's Attorney: Keith E. Ronald

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 20, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For November 23, 1992
Item No. 157

The Developers Engineering Division has reviewed the subject zoning item. We will not recommend against the proposed variances to the Landscape Manual requirements, but we will seek the maximum landscape treatment possible in order to mitigate the effects of the proposed variances.

The schematic landscape plan for this site that was submitted as part of the development review does not adequately address the landscape needs of this site. In order to produce an approvable schematic landscape plan prior to approval of the development plan, please have your landscape architect contact Avery Harden in the Developers Engineering Division for details.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

Rec'd 11/24/92

88-75-92
O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. +157 (JUL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Ramsey 11/10/92
John Constabile, Chief
Engineering Access Permits
Division

RECEIVED

NOV 10 1992

ZONING OFFICE

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7855 Baltimore Metro - 888-9481 D.C. Metro - 1-800-482-8062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: November 19, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Harris Hill

INFORMATION:
Item Number: 157

Petitioner: Keys Development Corporation

Property Size: 2.29 acres

Zoning: R.A.E. & CR 10.5

Requested Action: Variance

Hearing Date: 12/14/92

SUMMARY OF RECOMMENDATIONS:

This particular property will come before the Hearing Officer for approval of its development plan. At that particular time, the Hearing Officer will rule on any variances, special exceptions, or special hearings affecting the site in addition to taking final action on the development plan.

The Office of Planning and Zoning's comments are included as part of the development file.

Prepared by: *Francis M. Money*

Division Chief: *Eric M. D'Amico*

EMCb/FM:rdn

157.ZAC/ZAC1

Rec'd 11/23/92

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: November 25, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #157
425-435 (odd) Pennsylvania Avenue and 417, 419 and
503 Joppa Road
Zoning Advisory Committee Meeting of November 16, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

A variance for impacts to the non-tidal wetlands and Forest Buffer is currently being processed.

LP:sp

HARRISH/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

NOVEMBER 17, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KEYS DEVELOPMENT CORPORATION
Location: #425-435 PENNSYLVANIA AVENUE
AND #417, 419 & 503 JOPPA ROAD

Item No.: +157(JLL) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Dennis P. Ryan Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEK

Maryland Department of Transportation
State Highway Administration

O. James Lighizer
Secretary
Hal Kaseoff
Administrator

Mr. Robert Covahay, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204
Attn: Mr. Jose Escalante

Re: Baltimore County
Harris Hill
DPW # 92/402
ZADM # IX-590

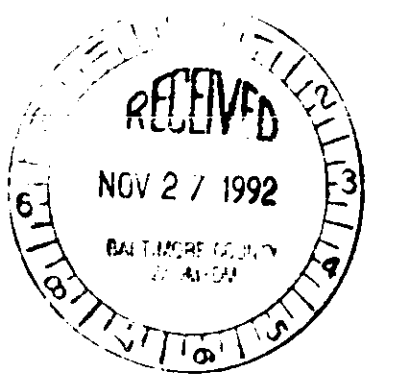
Dear Mr. Covahay:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey 11/17/92
John Contestabile, Chief
Engineering Access Permits
Division



My telephone number is _____

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-8451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Development Review Committee Response Form
Authorized signature WILLIAM R. R. Date 11/23/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Charles L. and Maureen Lamoreaux	148	NIL	11-16-92
Stephen F. and Christopher S. Jencks	154	NIL	
John and Caele Villanova	156	NIL	
Keys Development Corporation		NIL	
Steven J. and Beverly A. Timchula	158	NIL	
Steven M. and Deborah S. Faulkner	159	NIL	
Ralph L. and Elsie M. Hackler	160	NIL	
Theresa Rykaczewski	161	NIL	
Jean Romadka	162	NIL	
Residuary T. of Milton Schwaber - Carroll Independent Fuel	163	NIL	

COUNT 10

Baltimore City Landmarks Commission

DEPRM RP STP TE

Richard M. Dlotte

DEPRM RP STP TE

MT 11/23/92

Rec'd 11/23/92

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 26, 1993

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Pennsylvania Avenue, 18' W of Railroad Avenue
(425-435 Pennsylvania Avenue & 417, 419 & 503 Joppa Road)
9th Election District, 4th Councilmanic District
KEYS DEVELOPMENT CORPORATION - PETITIONER
Case No. 93-153-A
(Development Plan Case No. IX-590)

Dear Board:

Please be advised that appeals of the above-referenced case were filed in this office on January 22, 1993 by:

- George A. Breschi, Esquire, on behalf of Thomas E. Daley, D.D.S.
Joseph LaVerghetta, Esquire on behalf of Nicholas and Mary Mangione
York Road Associates and Louis Mangione
- Robert A. Hoffman, Esquire, on behalf of Stewall Corporation

All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

Appeal Cover Letter - Case No. 93-153-A (IX-590)
Board of Appeals
Page 2
January 26, 1993

c: Keith Ronald, Esquire - Thomas, Ronald & Cooper, P.A.
Suite 314, 409 Washington Avenue, Towson, Md. 21204

George A. Breschi - DiMenna and Breschi
409 Washington Avenue, Suite 600, Towson, Md. 21204

Joseph LaVerghetta - 1205 York Road, Lutherville, Md. 21093

Robert A. Hoffman - Venable Bestjer and Howard
210 Allegheny Avenue, Towson, Maryland 21285-5517

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

PLEASE CONSOLIDATE DEVELOPMENT HEARING CASE NO. IX-590 WITH VARIANCE HEARING CASE NO. 93-153-A

APPEAL

Petition for Zoning Variance
N/S Pennsylvania Avenue, 18' W of Railroad Avenue
(425-435 Pennsylvania Avenue and 417, 419 & 503 Joppa Road)
9th Election District - 4th Councilmanic District
KEYS DEVELOPMENT CORPORATION - PETITIONER
Case No. 93-153-A
(DEVELOPMENT PLAN CASE NO. IX-590)

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner(s), Protester(s) and Citizen(s) Sign-In Sheets

Petitioner's Exhibits: 1. No exhibit marked "P.E. 1"

Unmarked Exhibit: Plat to accompany zoning petition

2. Harris Hill Development Plan (Colored)

3. Photo board of existing sites and area

4A. Condo. Plans/Elevation drawings

4B. Townhouse Plans/Elevation drawings

Zoning Commissioner's Order dated December 23, 1993 (Granted)

Notice of Appeal received on January 22, 1993 from:

- George A. Breschi, Esquire, on behalf of Thomas E. Daley, D.D.S.
Joseph LaVerghetta, Esquire on behalf of Nicholas and Mary Mangione
York Road Associates and Louis Mangione
- Robert A. Hoffman, Esquire, on behalf of Stewall Corporation

c: Keith Ronald, Esquire - Thomas, Ronald & Cooper, P.A.
Suite 314, 409 Washington Avenue, Towson, Md. 21204

George A. Breschi - DiMenna and Breschi
409 Washington Avenue, Suite 600, Towson, Md. 21204

Joseph LaVerghetta - 1205 York Road, Lutherville, Md. 21093

Robert A. Hoffman - Venable Bestjer and Howard
210 Allegheny Avenue, Towson, Maryland 21285-5517

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Appeal Checklist - Case No. 93-153A (Case No. IX-590)
Board of Appeals
Page 2
January 26, 1993

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Public Services

PLEASE CONSOLIDATE DEVELOPMENT HEARING CASE NO. IX-590 WITH VARIANCE HEARING CASE NO. 93-153-A

1/27/93 - Notice of Assignment sent to following for hearing scheduled for Friday, February 19, 1993 at 10:00 a.m.:

George A. Breschi, Esquire
Joseph LaVerghetta, Esquire
Robert A. Hoffman, Esquire
Keith Ronald, Esquire
Keys Development Corporation
STV/Lyon Associates
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director/ZADM
Developers Engineering Division
Economic Development Commission
Michael Moran, Assoc. County Attorney



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 24, 1993

George A. Breschi, Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

Re: Case No. CBA-93-103 /Harris Hill and
Case No. 93-153-A /Keys Development Corp.
(ZADM Case No. IX-590)

Dear Mr. Breschi:

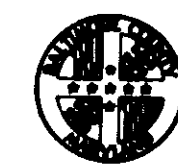
Enclosed please find a copy of the Order of Dismissal
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Joseph LaVerghetta, Esquire
Robert A. Hoffman, Esquire
Keith Ronald, Esquire
Keys Development Corporation
Jeffrey H. Scherr, Esquire
STV/Lyon Associates
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director/ZADM
Developers Engineering Division
Economic Development Commission
Michael J. Moran, Assoc. County Attorney



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse January 27, 1993

NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-93-103 HARRIS HILL /ZADM CASE NO. IX-590
RE: Approval of Plan

AND
CASE NO. 93-153-A KEYS DEV CORP /ZADM CASE NO. IX-590
VAR -Setback and parking standards

12/23/92 -ZC's decision in which the plan
known as Harris Hill was APPROVED and the
Petition for Variance GRANTED.

N/s Pennsylvania Avenue, 18' W of
Railroad Avenue (425-435 Pennsylvania
Avenue & 417, 419 and 503 Joppa Road)
9th Election District
4th Councilmanic District

ASSIGNED FOR: FRIDAY, FEBRUARY 19, 1993 AT 10:00 a.m.

cc: George A. Breschi, Esquire Counsel for T. Daley, D.D.S.
Joseph LaVerghetta, Esquire /Appellant
Counsel for Mr. & Mrs. N.
Mangione, York Road Associates
& Louis Mangione /Appellants
Robert A. Hoffman, Esquire Counsel for Stewall Corp.
Keith Ronald, Esquire /Appellant
Keys Development Corporation Counsel for Petitioner
STV/Lyon Associates
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director/ZADM
Developers Engineering Division
Economic Development Commission
Michael Moran, Assoc. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

IN RE: DEVELOPMENT PLAN HEARING * BEFORE THE
AND PETITION FOR ZONING * ZONING COMMISSIONER
VARIANCE N/S Pennsylvania * OF BALTIMORE COUNTY
Ave. 18' W of Railroad Ave. *
425-435 Penna. Ave. & 417, *
419 & 503 Joppa Rd. 9th *
Election District * Case No.: IX-590 & 93-153-A
4th Councilmanic District * (Project No. 92-148-2)
Keys Development *
Corporation *
Petitioner *

JOINT ORDER FOR APPEAL

Mr. Commissioner:

Now comes Thomas E. Daley, D.D.S., P.A., by George A. Breschi,
Esquire and DiNenna and Breschi; and Nicholas and Mary Mangione, York
Road Associates and Louis Mangione, by Joseph LaVerghetta, Esquire and
enter an Order for Appeal from the Decision of the Zoning Commissioner
regarding the Variance Order dated December 23, 1992.

George A. Breschi
GEORGE A. BRESCHI
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Thomas E. Daley,
D.D.S.,
P.A.
Joseph LaVerghetta
JOSEPH LAVERGHETTA
1205 York Road - The Penthouse
Cathertown, Maryland 21093
(410) 825-8400
Attorneys for Nicholas and Mary
Mangione and York Road Associates
and Louis Mangione

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 22nd day of January, 1993, a copy of
the foregoing Order for Appeal was mailed, postage prepaid to Keith
Ronald, Esquire, Thomas, Ronald & Cooper, P.A., Suite 314, 409
Washington Avenue, Towson, Maryland 21204.

George A. Breschi
GEORGE A. BRESCHI

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals January 26, 1993
FROM: Arnold Jablon, Director
Zoning Administration and Development Management
SUBJECT: NOTICE OF APPEAL
HARRIS HILL
Final Development Plan
Case No. IX-590
(Variance Case No. 93-153-A)

On January 22, 1993, this office received & Notices of Appeal
from the decision of the Zoning Commissioner made on December 23, 1992
in regard to the approval of the Plan of Harris Hill in the name of:

1. George A. Breschi, Esquire, on behalf of Thomas E. Daley, D.D.S., P.A.
Joseph LaVerghetta, Esquire on behalf of Nicholas and Mary Mangione
York Road Associates and Louis Mangione
2. Robert A. Hoffman, Esquire, on behalf of Stewall Corporation

All materials relative to the case are being forwarded
herewith.

Please notify all parties to the case of the date and time of
the appeal hearing when it has been scheduled. If you have any
questions concerning this matter, please do not hesitate to contact this
office.

AJ:car

Enclosures

cc: STV/Lyon Associates, Developer
Office of Law
Director of Planning
Developers Engineering Division
Economic Development Commission
File

PLEASE CONSOLIDATE DEVELOPMENT HEARING CASE NO. IX-590 WITH VARIANCE
HEARING CASE NO. 93-153-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 22, 1993

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21205-5517

RE: Hearing Officer's Opinion and Development Plan/Variance Order
Case Nos. IX-590 and 93-153-A
Keys Development Corp., East Towson Joint Venture- Harris Hill

Dear Mr. Hoffman:

This is to acknowledge receipt of your letter dated January 6, 1993.

As to the testimony of Mr. John Lewis, I draw your attention to page 8
of the body of my opinion which summarized that testimony. As I recall, Mr.
Lewis offered uncontradicted testimony that the public hearing held for the
subject case and the adoption of the parking arrangement shown on the devel-
opment plan was sufficient to protect your client's interest. By way of
clarification, let me repeat that my opinion should be deemed to constitute
approval of that portion of the parking arrangement utilized by your client
(Manor Care) on the subject property. Further, I believe that my findings
are consistent with Mr. Cortes's testimony that the parking arrangement
utilized by Manor Care on this site would not cause any adverse impact and
should, therefore, be approved.

I trust that this letter has clarified the intent of my opinion and
order, however, if you have any further questions, please contact me.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Keith E. Ronald, Esquire
George A. Breschi, Esquire
Joseph C. LaVerghetta, Esquire
William A. Hason

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Baltimore County Hearing Officer DATE: December 11, 1992
FROM: Pat Keller, Deputy Director
Office of Planning & Zoning
SUBJECT: Harris Hill - Historic Structure

The Harris Hill Development Plan contains two historic structures, 431-33 E.
Pennsylvania Avenue and 435 E. Pennsylvania Avenue, the Frazier House listed as
No. BA 1060 on the Maryland Historic Trust Inventory.

In accordance with the procedures outlined in the Development Regulations, Sec-
tion 26-278 requires that all structures listed in Section 260-202 "...must be
preserved." It is the applicant's intent to either 1) relocate the existing
historic structures or 2) demolish the structures. The historic structures may
be demolished pursuant to Section 26-172, by requesting a Waiver to demolish the
structures. The Maryland Historic Trust and National Historic Trust have been
consulted and do not object to the demolition of 431-33 and 435 East Pennsylvania
Avenue.

All efforts should be made to relocate the structures for adoptive reuse of the
buildings, however, if this is not feasible then the removal of the structures
should be undertaken. Staff has considered the historic importance of these
buildings but in light of this project's public benefit of providing affordable
housing to the residents of Baltimore County and more particularly Towson, recom-
mends that a waiver be GRANTED.

Pat Keller
Pat Keller

PK:bjs

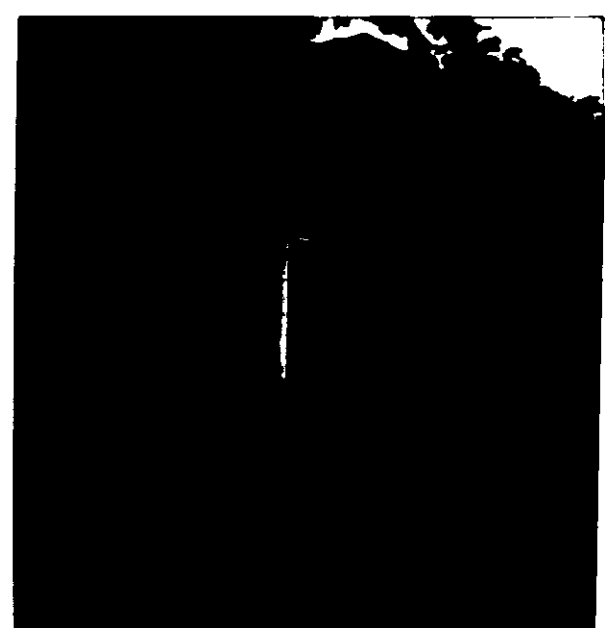
Attachment

CC: FILE

HARRISHL.HO/TXTBJS



435 Penn.
BA 1060



431-33 Penn
NO SITE NUMBER

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
HILLSIDE, VA
ROCKVILLE, MD
BETHESDA, MD
TOWSON, MARYLAND 21286-5517
P.O. BOX 5517
FAX (410) 841-0147
TELEPHONE (410) 841-0147

ROBERT A. HOFFMAN

January 6, 1993

WRITER'S DIRECT NUMBER IS
(410) 484-9182

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Keys Development Corporation
East Towson Joint Venture - Harris Hill
Case Nos. IX-590 and 93-153-A

Dear Mr. Schmidt:

I reviewed the Hearing Officer's Opinion and Development Plan/Variance Order in the referenced case on behalf of my client, Stewall Corporation, doing business as the Manor Care Nursing Home on East Joppa Road. Although your opinion mentions at page 6 and 7 the proposed additional parking for the Manor Care Nursing Home, it does not indicate either: (i) the testimony of John Lewis of Zoning Administration and Development Management that approval of the development plan and zoning variances in this case would result in approval of Manor Care's parking without the necessity for further hearing, or (ii) testimony from Mr. Tony Cortese that there would be no adverse impact if the parking plan for Manor Care was approved as part of this case.

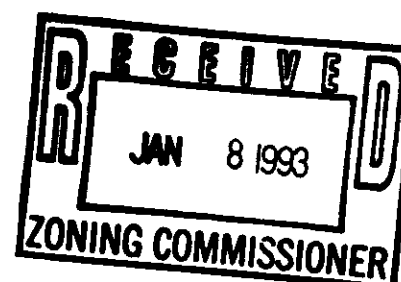
Although I believe your Opinion and Order does approve Manor Care's proposed parking, it is respectfully requested that the Opinion and Order be clarified to reflect the above.

Please do not hesitate to call if you have any questions.

Yours truly,

Robert A. Hoffman

cc: Keith E. Ronald, Esquire
George A. Brechi, Esquire
Joseph C. LaVerghetta, Esquire
William A. Hasson



VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
HILLSIDE, VA
ROCKVILLE, MD
BETHESDA, MD
TOWSON, MARYLAND 21286-5517
P.O. BOX 5517
FAX (410) 841-0147
TELEPHONE (410) 841-0147

ROBERT A. HOFFMAN

January 22, 1993

WRITER'S DIRECT NUMBER IS
(410) 484-9182

Hand Delivery

Arnold Jablon, Director
Zoning Administration and
Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Keys Development Corporation
East Towson Joint Venture - Harris Hill
Hearing Officer's Opinion and Development Plan/
Variance Order
Case Nos. IX-590 and 93-153-A

Dear Mr. Jablon:

On behalf of Stewall Corporation, whose address is 10750 Columbia Pike, Silver Spring, Maryland 20901, and who owns the abutting property located at 509 E. Joppa Road, Towson, Maryland, I hereby note an appeal from the Hearing Officer's Opinion and Development Plan/Variance Order dated December 23, 1992.

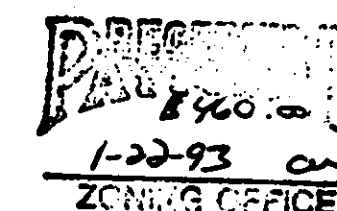
Enclosed is our check to cover the cost of this appeal. Thank you for your cooperation.

Sincerely,

Robert A. Hoffman

Enclosure

cc: Lawrence E. Schmidt, Zoning Commissioner
Keith E. Ronald, Esquire



VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
HILLSIDE, VA
ROCKVILLE, MD
BETHESDA, MD
TOWSON, MARYLAND 21286-5517
P.O. BOX 5517
FAX (410) 841-0147
TELEPHONE (410) 841-0147

ROBERT A. HOFFMAN

February 1, 1993

WRITER'S DIRECT NUMBER IS
(410) 484-9182

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Keys Development Corporation, Petitioner
Petition for Zoning Variance
Case No.: 93-153-A
(Development Plan Case No.: IX-590)

Dear Mr. Hackett:

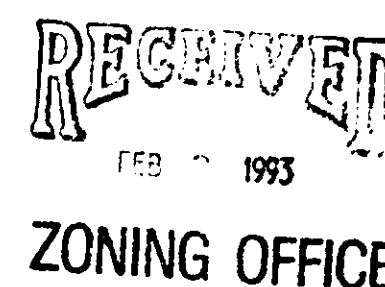
Enclosed please find our Petition which is to accompany the Notice of Appeal filed in the above captioned matter on January 22, 1993.

Sincerely,

Robert A. Hoffman

Enclosure

cc: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director, Zoning Administration and Development
Management
Gene L. Neff, Director, Department of Public Services
Keith Ronald, Esquire



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
John Holbeck, G.T.C.A.	912 STEVENSON AVE 21286
JOHN ETZEL	1108 VANCEWOOD RD 21286

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
Bill Hasson	10750 Columbia Pike 21204
Tom Waley	5110 Spring 910 21204
George Brechi	520 East Joppa Rd 21204
Louis Mangione	409 West Joppa Rd 21204
JACK SIMONS	1205 York Rd 21093
Le Libecketha Jay	515 East Joppa Rd 21204

Harris Hill Hearing Officer Hearing
12-14-92

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
KEITH RONALD	409 Washington Ave Towson MD 21204
Tony Cortese	21 GOWENHANS RD BETHESDA MD 20814
Wendy Rubin	519 N. CHARLES BALT. MD. 21201
George Hoffman	C.W.B. 218 W. SMDITH ST. BALT. MD. 21201
WINSTON ROUSE	519 N. Charles St Balt. Md. 21201
Harold T. Rubin	407 E. Joppa Rd. 21204

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
FRANK M. PAVLICK	OPZ
LEONARD J. JENSEN	OPZ
John Lewis	County Court
Don Rascoe	ZADM
Diana M. M.	OPZ
John L. Lewis	ZADM
Robert Sedy	DEPRM
Bob Bowling	DPW
Frank Kwalish	D.C.D.
TERRY HANDBERHAN	D.C.D.

In order to file an appeal with the County Board of Appeals in accordance with the requirements of Bill 41-91, the following form may be accepted for processing to the CBA by the Division of Land Development, Bureau of Public Services, Department of Public Works (Room 319, County Office Building, 111 W. Chesapeake Ave., Towson, MD 21204). The appellant should complete this form and submit it along with the fee of \$75.00 (check or money order made payable to Baltimore County, Maryland) within 30 days of the action appealed.

NAME AND MAILING ADDRESS OF APPELLANT(S):

Stewall Corporation
10750 Columbia Pike
Silver Spring, MD 20901

ACTION BEING APPEALED: Development Plan Approval

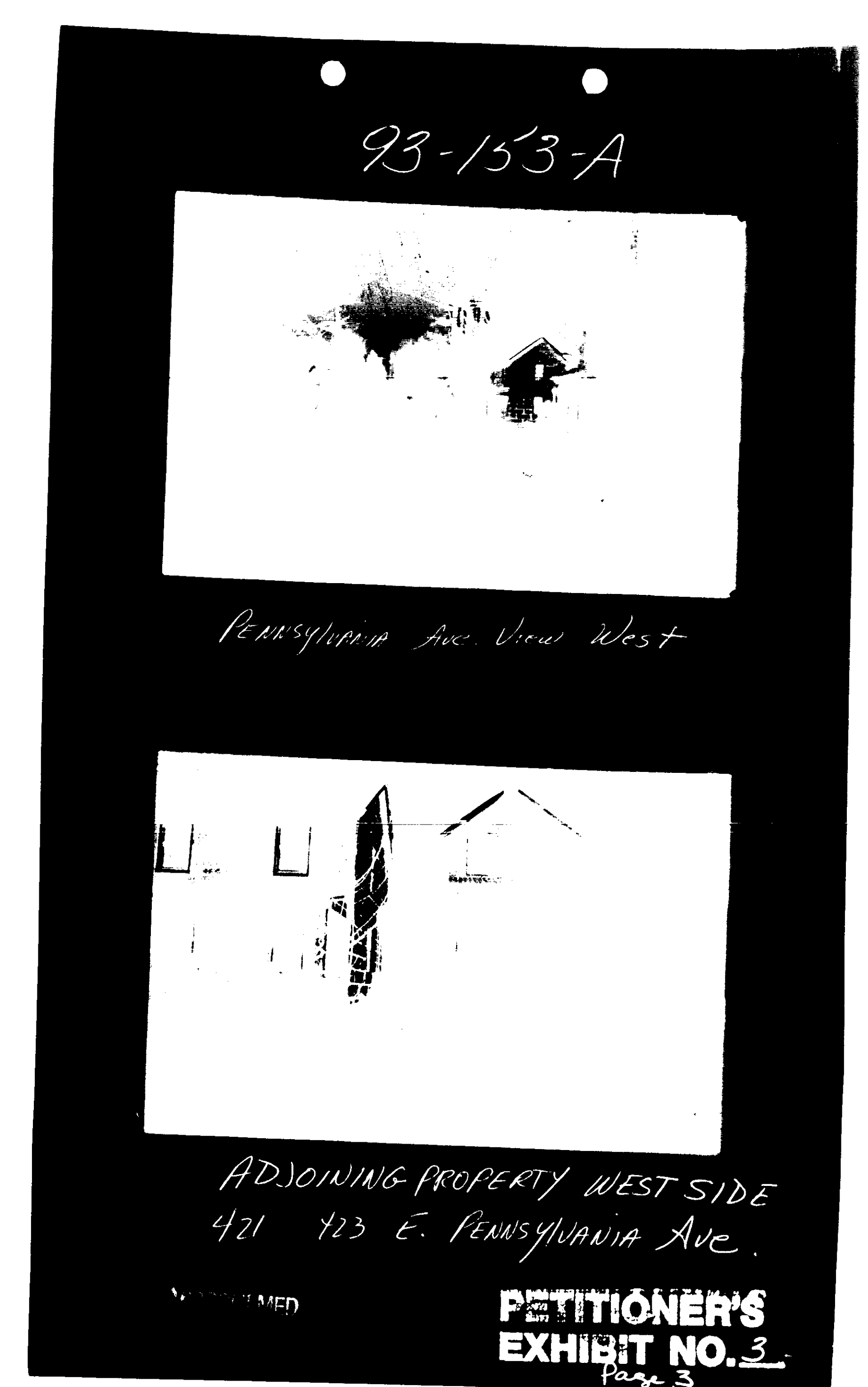
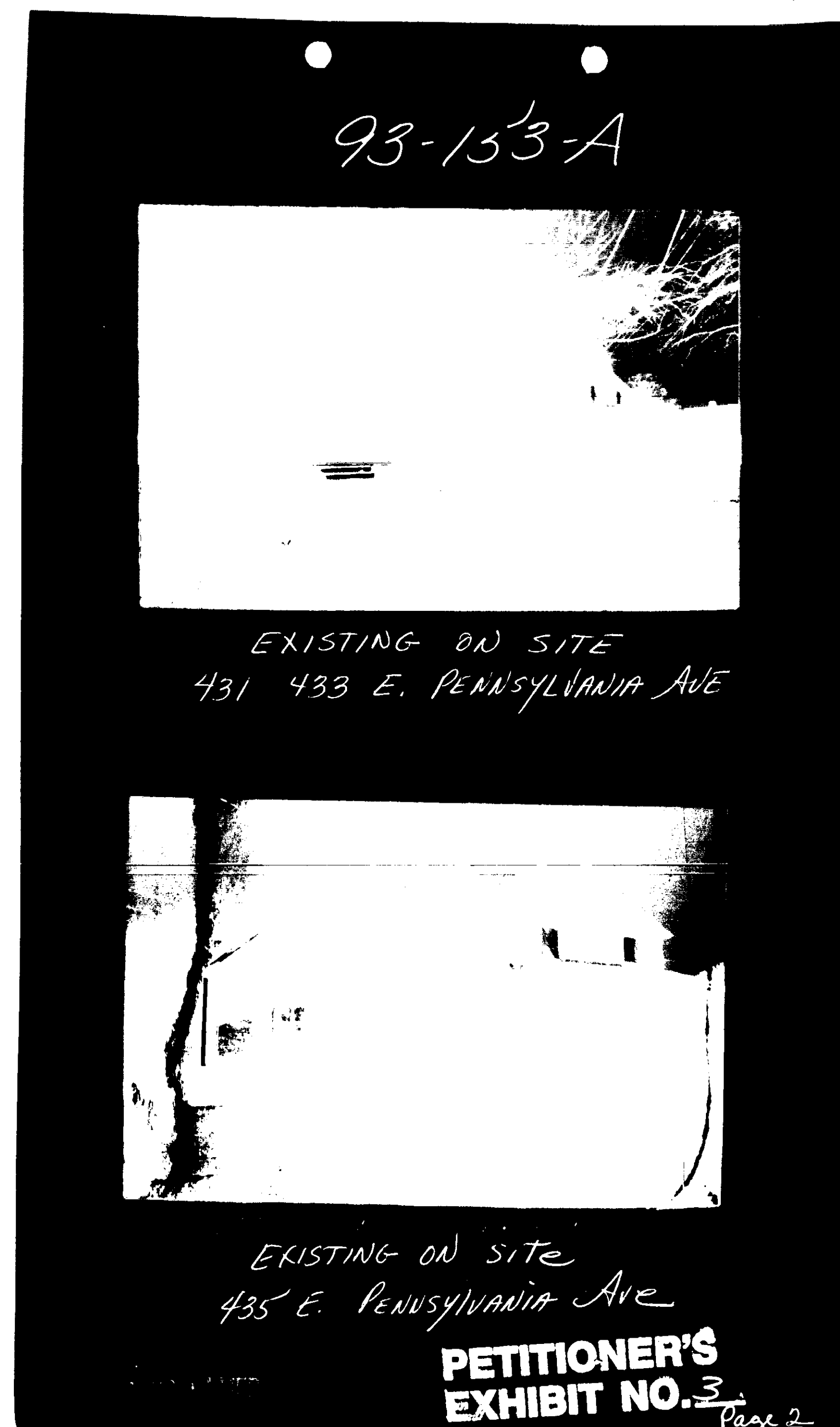
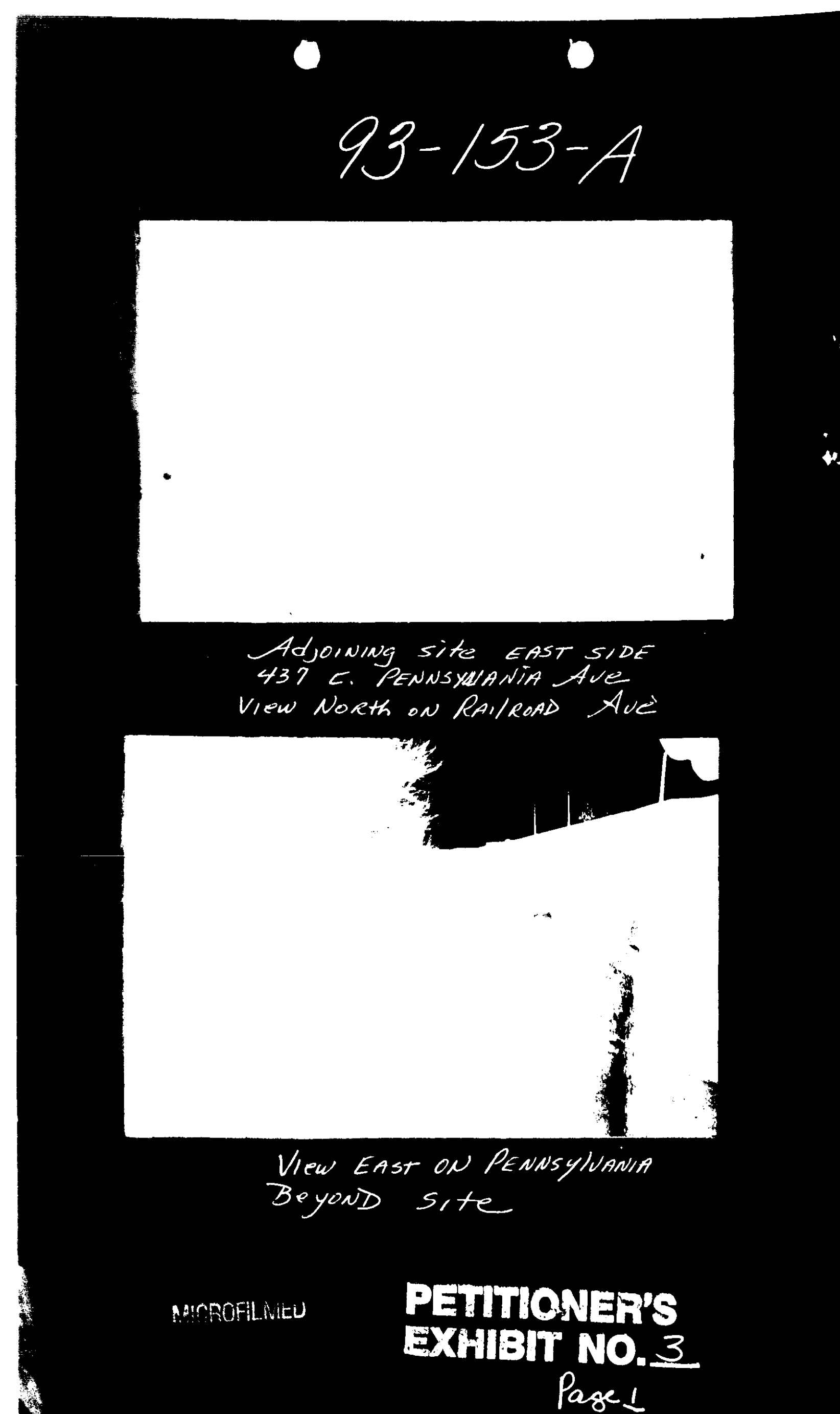
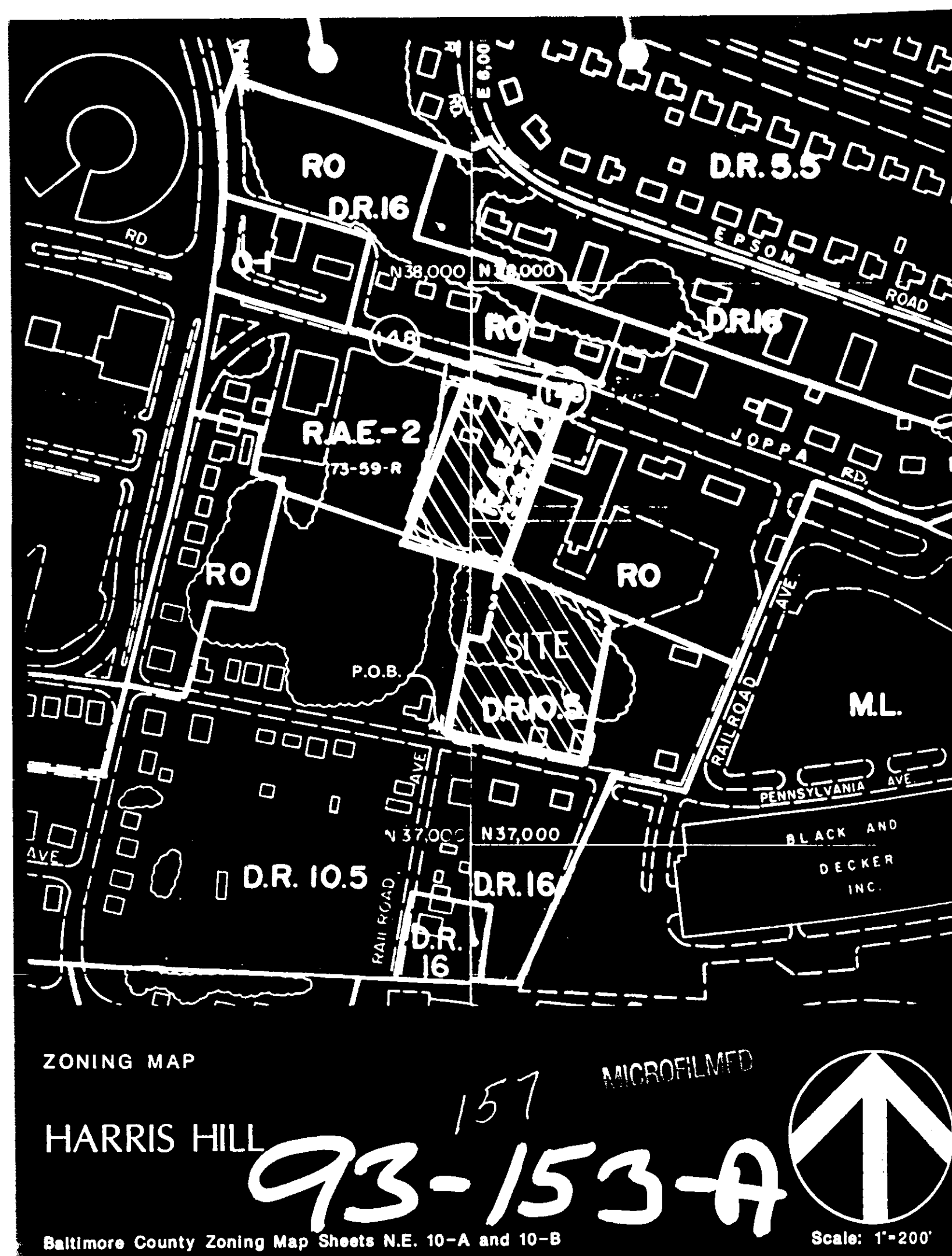
GROUND(S) FOR THE APPEAL and reasons why the Action appealed should be reversed or remanded:

Stewall Corporation is appealing the approval of the Development Plan to the extent that the parking provided to Manor Care as shown on the Development Plan is inconsistent with the Agreements (submitted as Protestant's Exhibit 1 at the Hearing Officer's Hearing) entered into between the Stewall Corporation and the Petitioner, Keys Development Corporation.

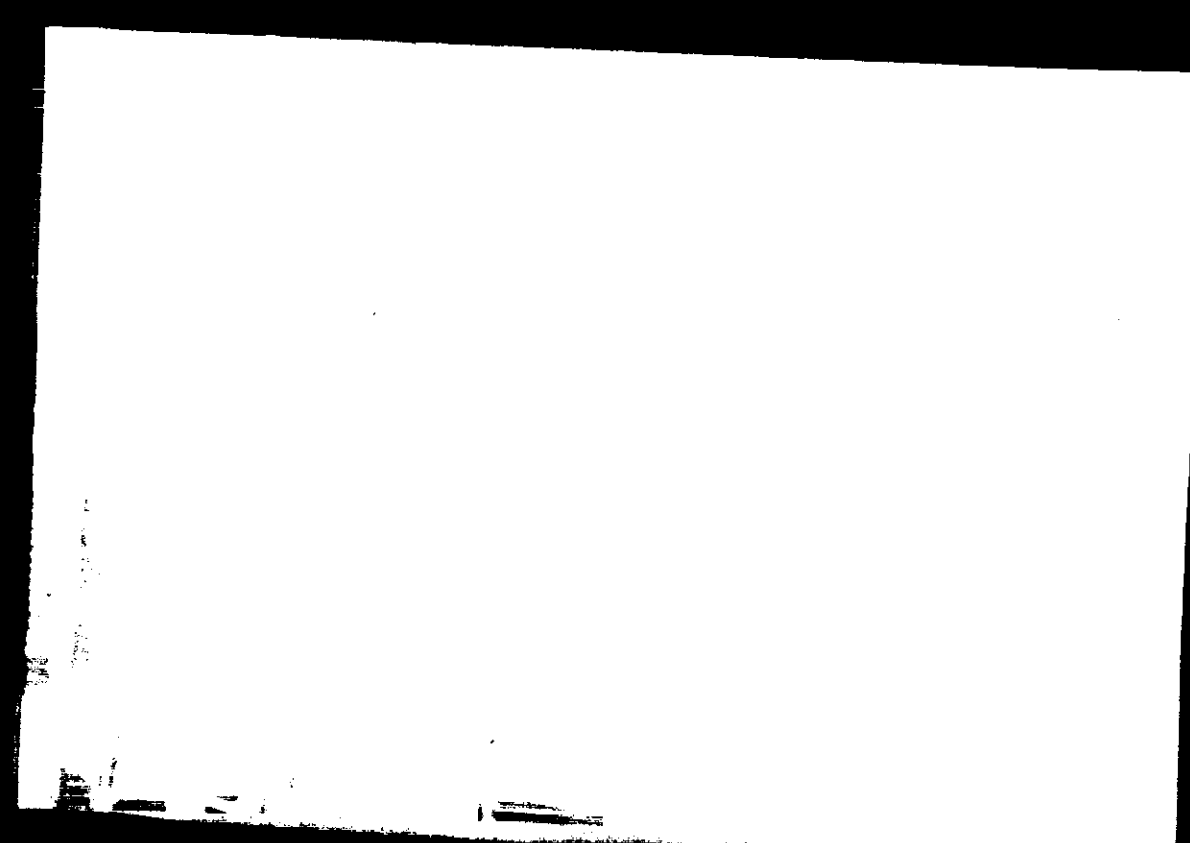
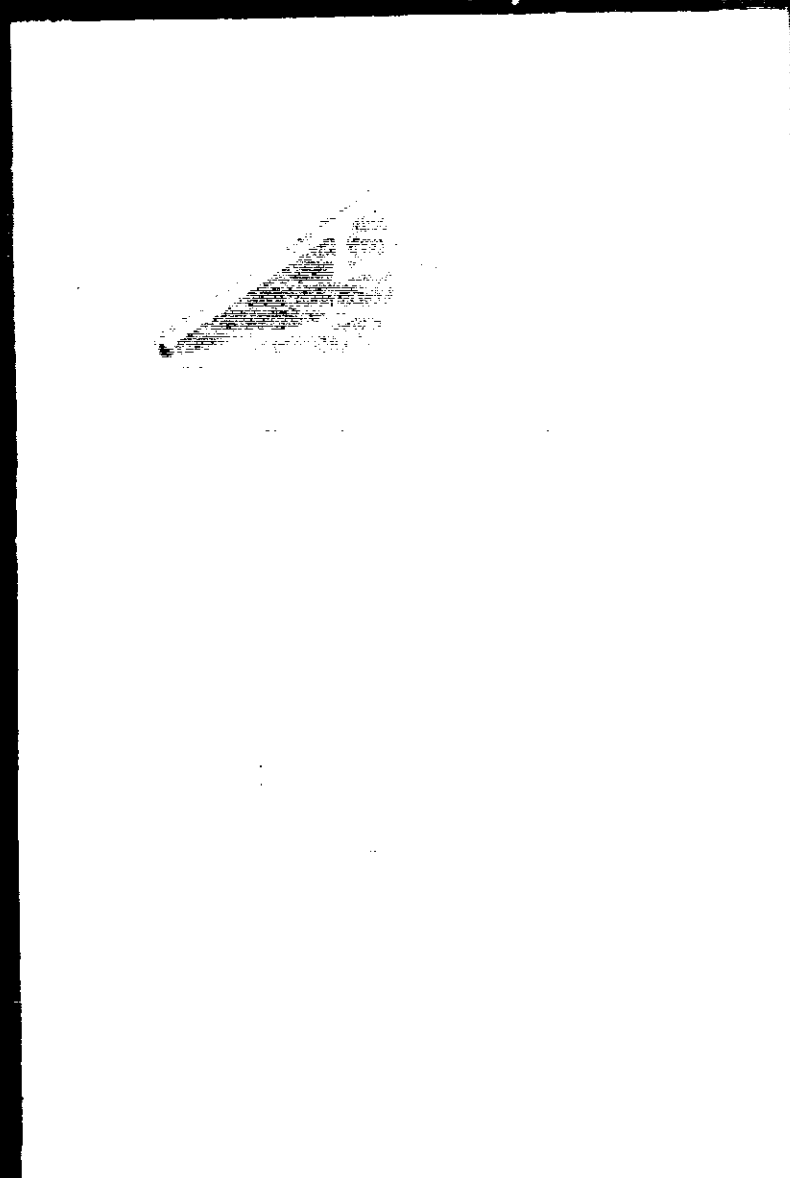
(attach additional sheets if needed)

OFFICE USE ONLY:

Invoice No.:
Date invoice was issued:
Name:



93-153-A

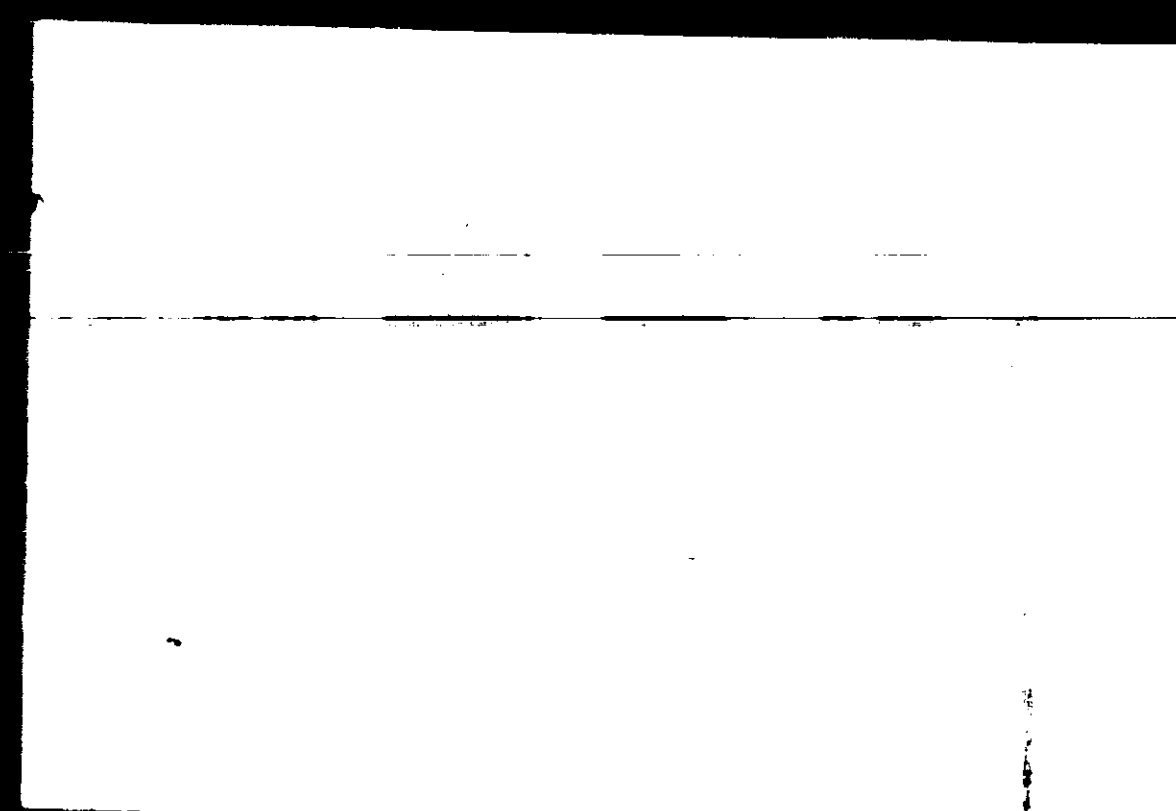
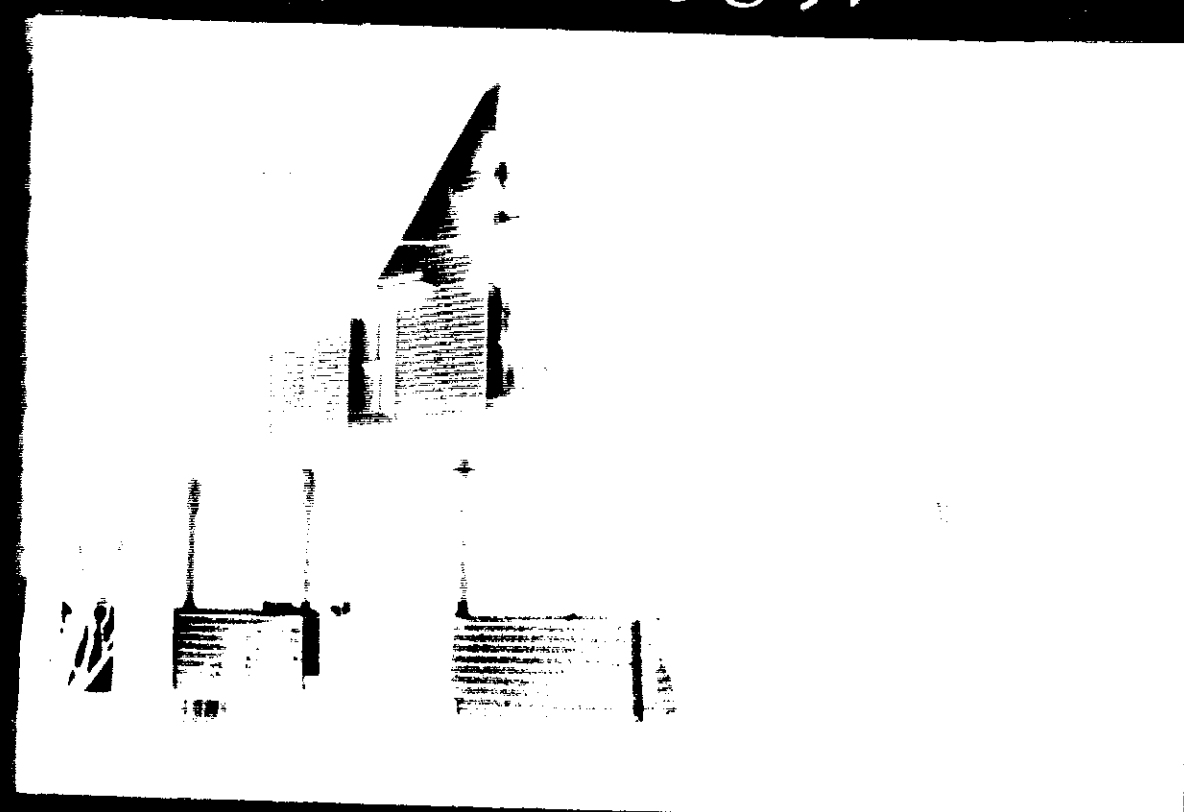


Existing East Townson Housing Types

**PETITIONER'S
EXHIBIT NO. 3**

Page 6

93-153-A

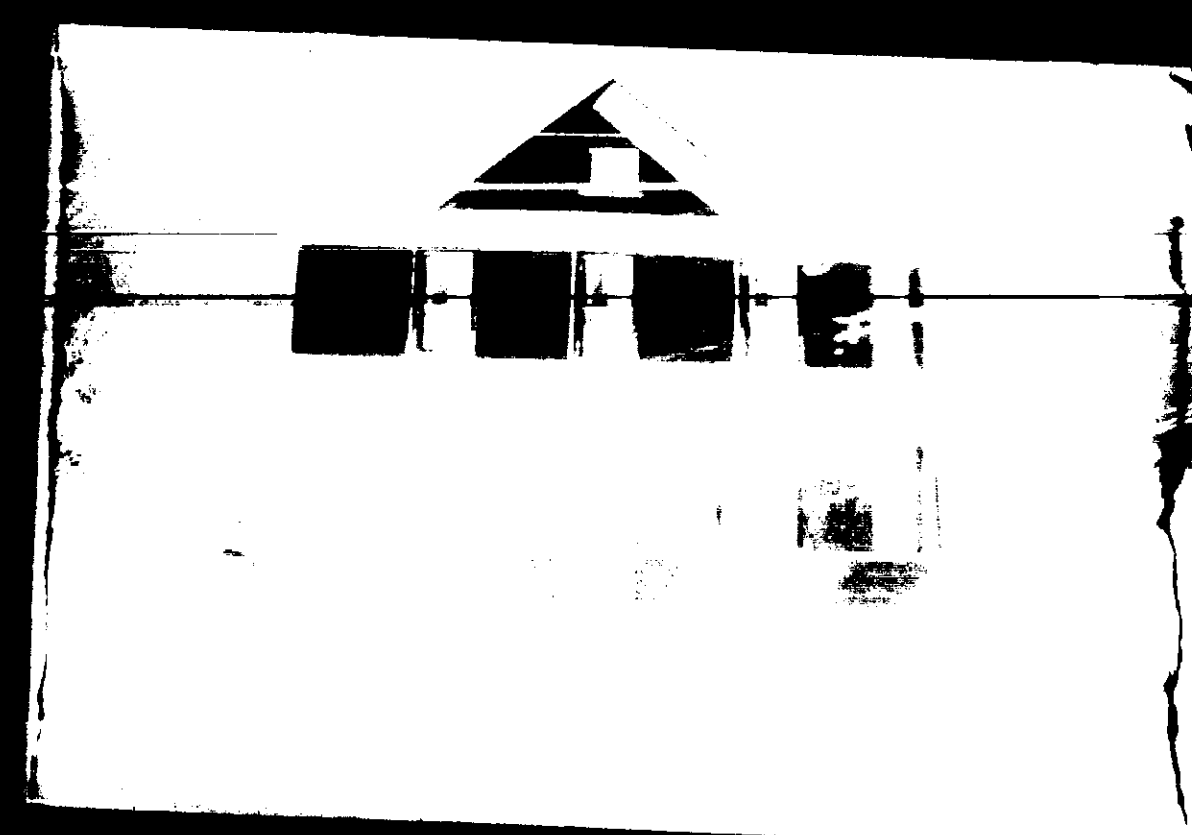


Existing East Townson Housing Types

**PETITIONER'S
EXHIBIT NO. 3**

Page 7

93-153-A



Existing East Townson Housing Types

**PETITIONER'S
EXHIBIT NO. 3**

Page 8

93-153-A

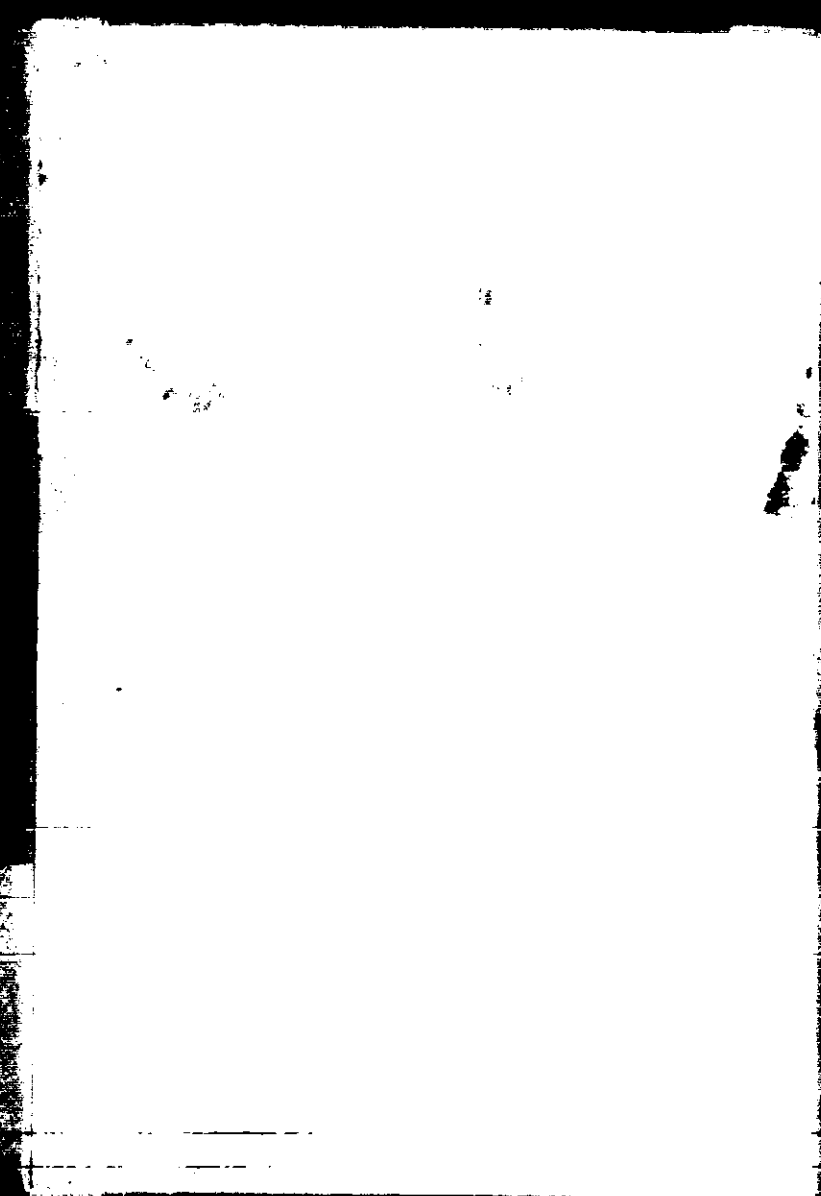
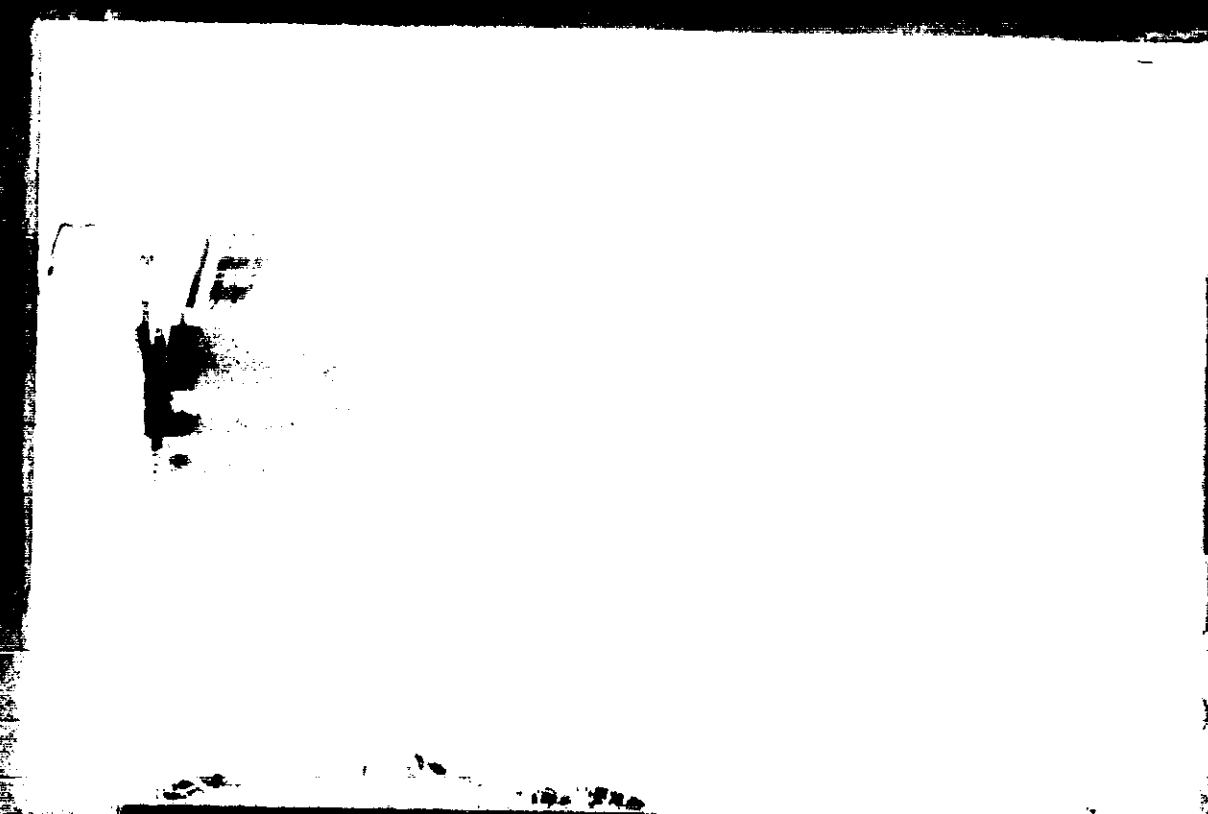


Existing East Townson Housing Types

**PETITIONER'S
EXHIBIT NO. 3**

Page 9

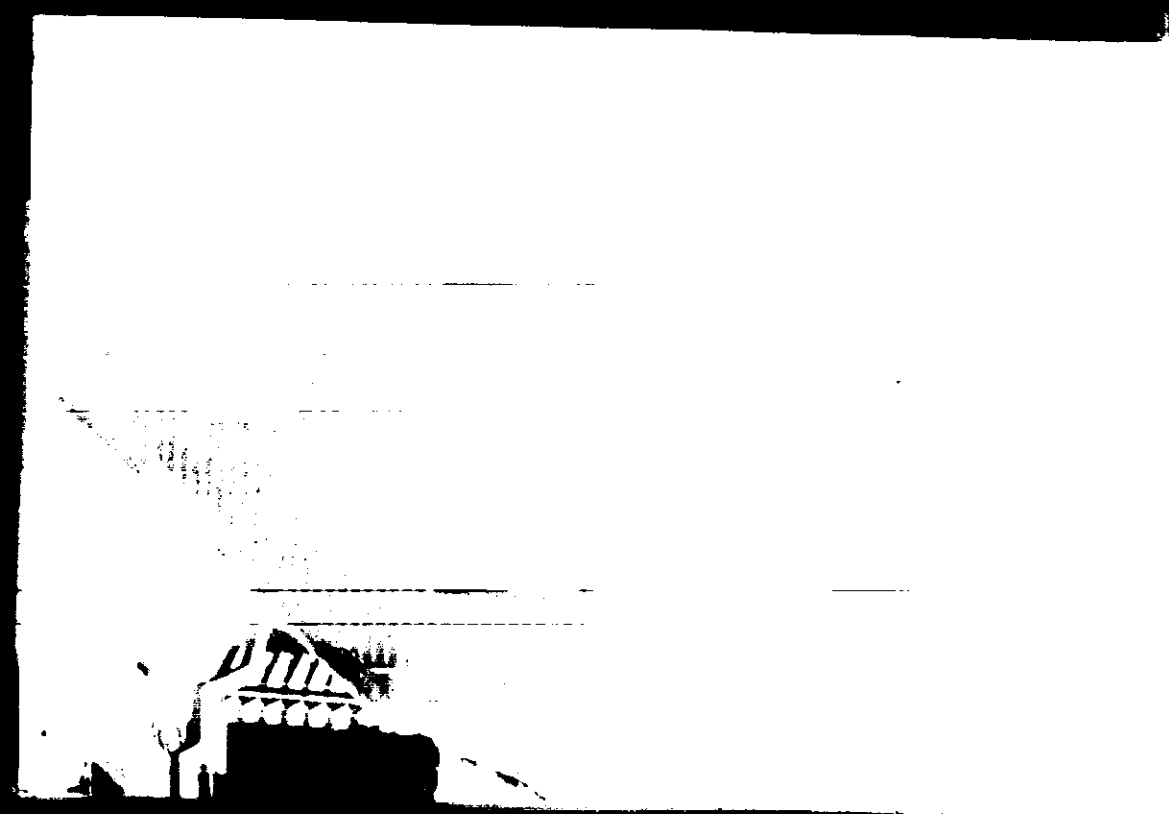
93-153-A



Existing East Townson Housing Types
**PETITIONER'S
EXHIBIT NO. 3**

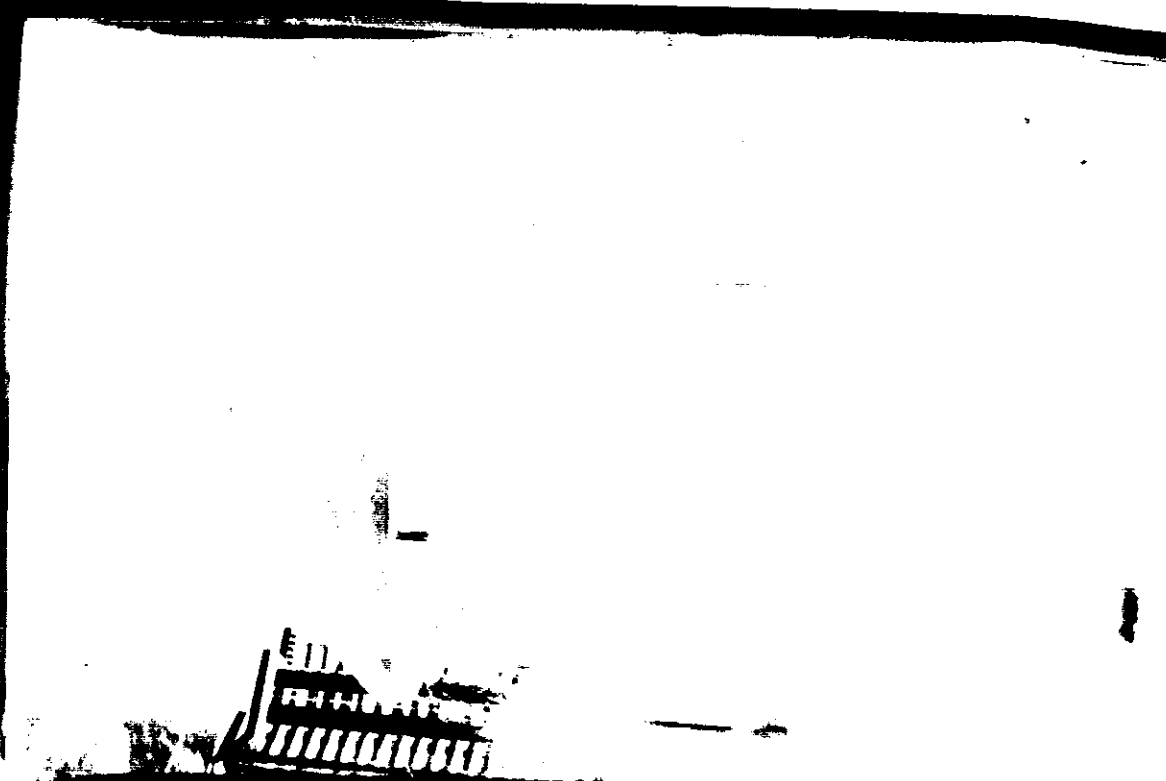
Page 10

93-153-A



**PETITIONER'S
EXHIBIT NO. 3**

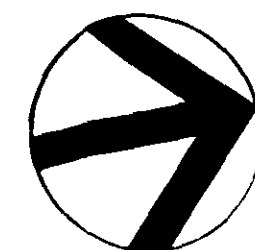
Page 11



Existing East Townson Housing Types



Scale: 1" = 1000'



Railroad Ave.

Pennsylvania Avenue

DEVELOPER: EAST TOWSON JOINT VENTURE
519 NORTH CHARLES ST.
BALTIMORE MD. 21201
410 332-1352

STV / LYON ASSOCIATES

Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

[illegible]

SITE PROPOSAL MAP

PROJ.#92148Z

PLAN PREPARATION

SEARCHED	INDEXED	SERIALIZED	FILED	MAY 8, 1992
				FBI - MO

Concept Plan
Harris Hill
Election District: 9 Councilmanic District: 4
Baltimore County, Maryland

DRAWING NO.

SHEET NO.
1 of 2

SITE DATA						
EXISTING ZONING AND MAXIMUM DENSITY PERMITTED						
ZONE	NET ACRES	GROSS ACRES	DENSITY UNITS ALLOWED	DENSITY UNITS	DWELLING UNITS ALLOWED	DWELLING UNITS
RAE-2	1.33 ±	1.42 ±	80 DU/AC	11752	NA	NA
DR 105	1.58 ±	1.67 ±	NA	NA	10.5 DU/AC	1757
TOTAL	2.91 ±	3.14 ±	—	11752	—	1757

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQ	OVERFLOW PARKING REQ	PARKING PROVIDED	OPEN SPACE REQ.	PHASE	DEVELOPMENT SCHEDULE
TOWNHOUSE CONDOMINIUM	17	54 (2/UNIT)	5 (0.15 x 34)	46	LOS = 0.025 x 54 (WALKER)	1	OCT 92 ± (BLOG PERMIT)
MULTIFAMILY CONDOMINIUM	36	45 (125/UNIT)	14 (0.3 x 46)	52	LOS = 0.025 x 36 (WALKER)	1	OCT. 92 ± (BLOG PERMIT)
TOTAL	53	79	19	98	LOS = 0.025 x 89 ± IN TOTAL	—	—

ADDITIONAL INFORMATION

ANTICIPATED ACTIONS :
VARIANCES
WAIVER

PROPOSED STORM WATER MANAGEMENT FACILITY.

CONSISTENCY WITH DESIGN MANUALS.

LOCATION OF PERMANENT PROJECT IDENTIFICATION SIGNS.

OPEN SPACE PROPOSAL

Open Space Type	Acres
AMENITY OPEN SPACE	
Forest Buffer and Wetlands	214 AC
Residential Transition Area (R.T.A.)	0
Stormwater Management	0
Preservation of Barns and Road	0
Pool and Tennis Courts	0
Tot Lots, Free Play, Trails	222 AC
Total Provided	046 AC

(AMENITY OPEN SPACE FOR RAE 2 ZONE ONLY. A WAIVER FOR LOCAL OPEN SPACE FOR THE NR 10.5 ZONED PROPERTY IS BEING REQUESTED BASED ON LESS THAN 1/2 ACRE REQUIRED)

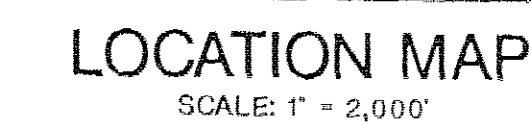
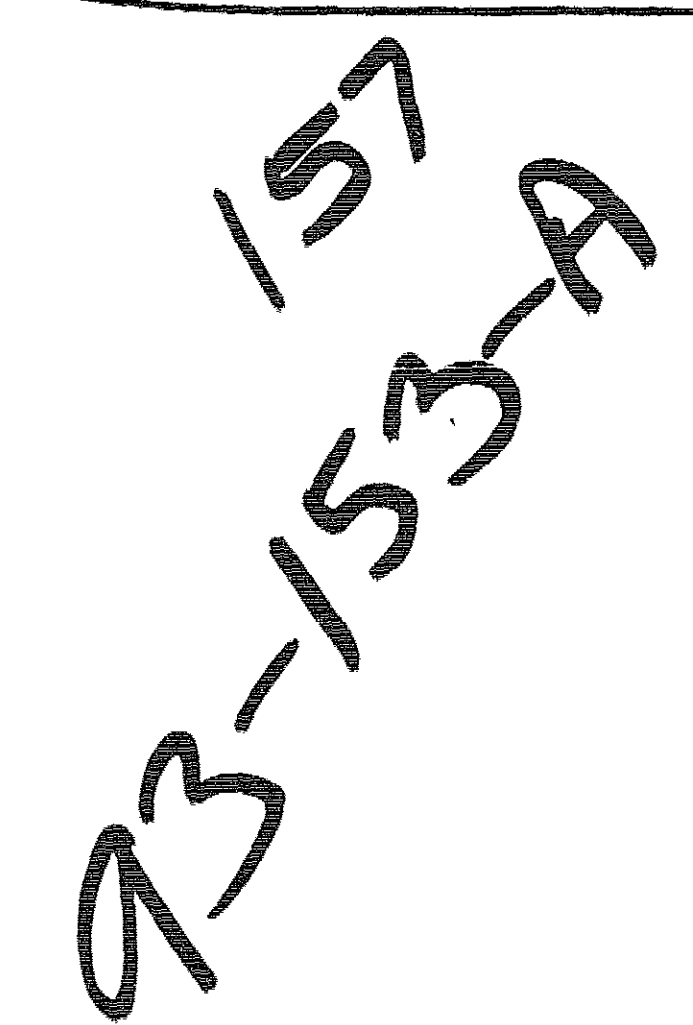
IX-590

PRINTED

MAY 12 1992

STAYLON



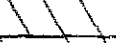


10/1/78

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- [illegible]

Election District 9 Councilmanic District 4
Baltimore County, Maryland

SHEET NO.
1 of 3

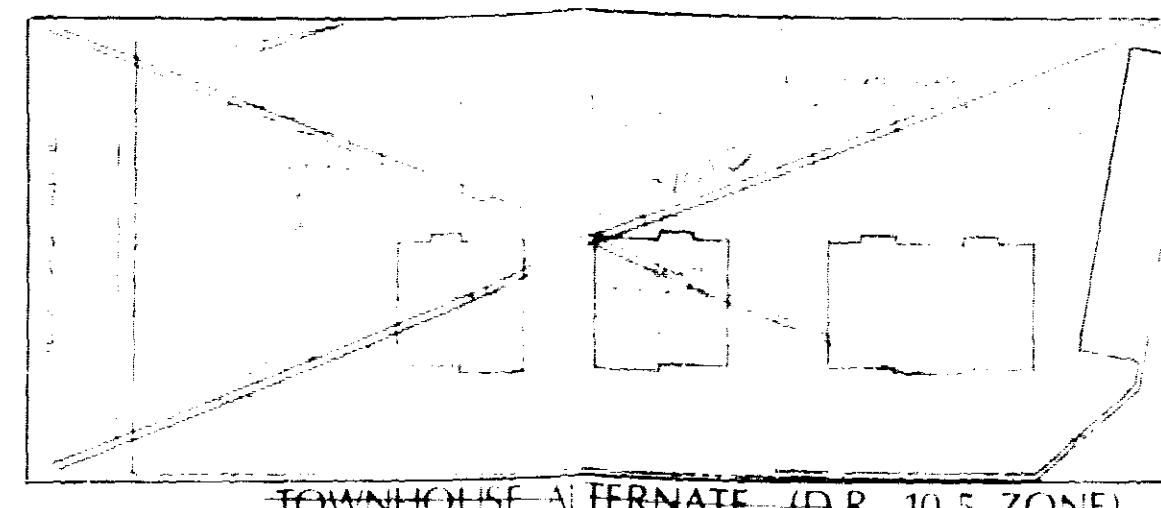
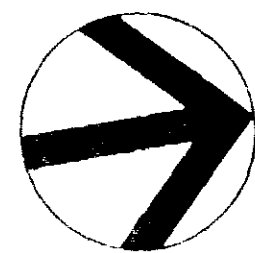
 AVENITY OPEN SPACE
 FOREST BUFFER
 NON-TIDAL WETLANDS
 ...-430-... EXISTING CONTOUR
 ———— E ———— PROPOSED CONTOUR

Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

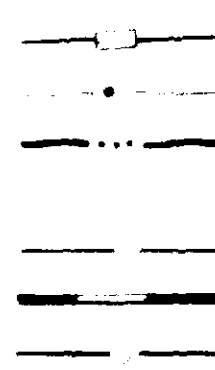
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DRAWN BY	K.H.H.	DATE	Nov. 4 1922
DESIGNED BY		SCALE	1" = 20'
CHECKED BY			

Election District 9 Councilmanic District 4
Baltimore County, Maryland

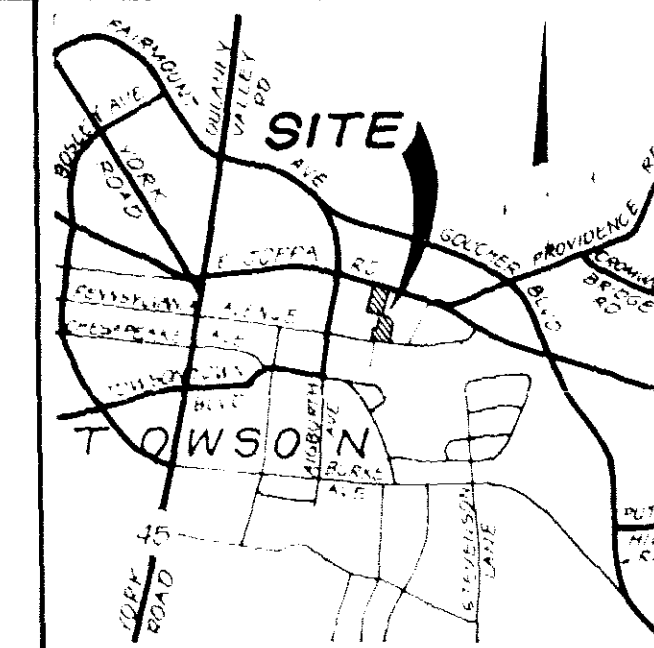


Legend:



Proposed Use	Open Space Req'd	Proposed Open Space	Parking Req'd	Overflow Parking Req'd	Parking Provided
M.H. Family Condominiums 36 Units					
Townhouse Condominiums 17 Units					
Total					

Zone	Net Site Area	Prop. Site Area	Density Units Allowed	Density Units Designed	Density Provided
RAE-2					
DR-10.5					
Total					



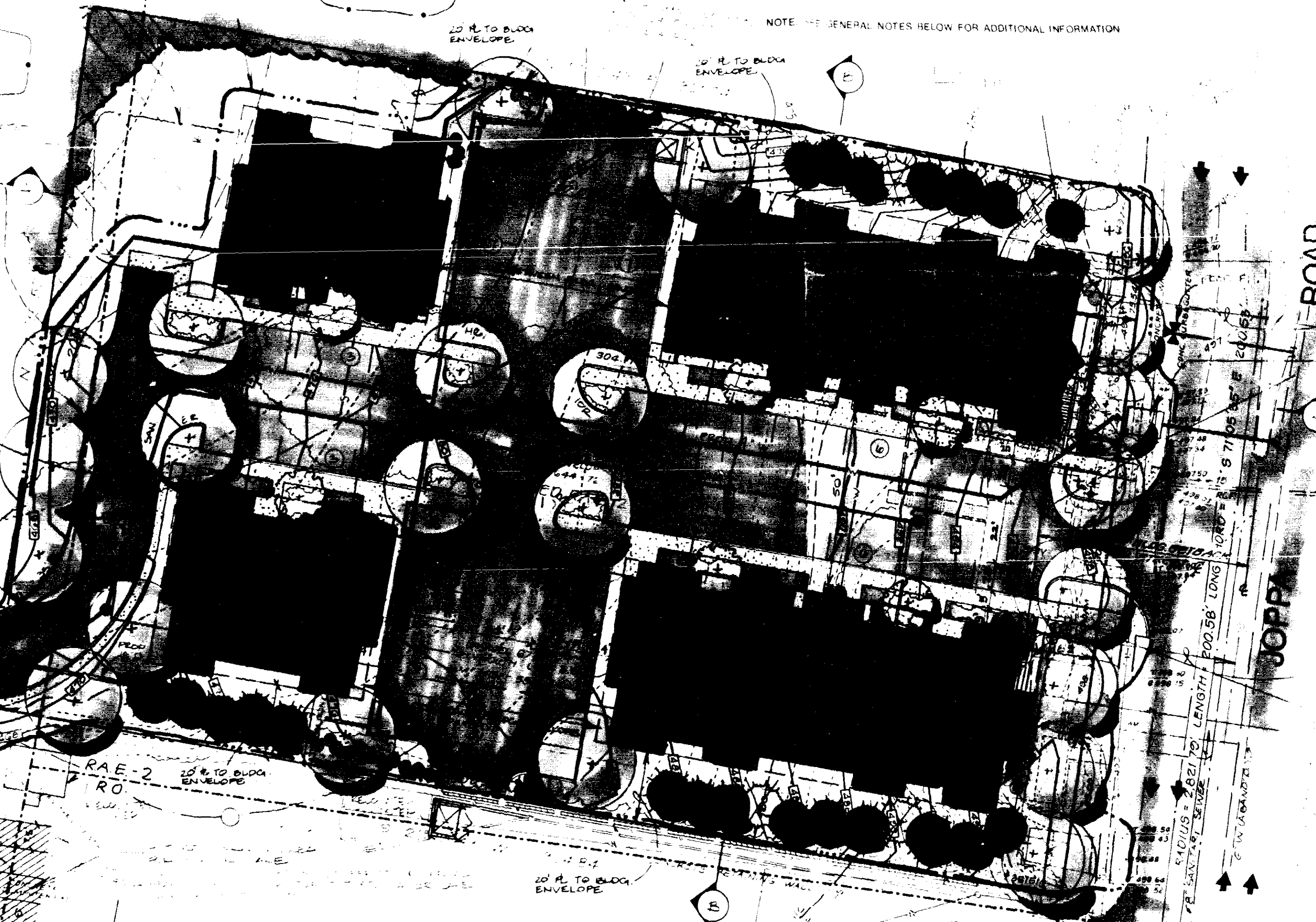
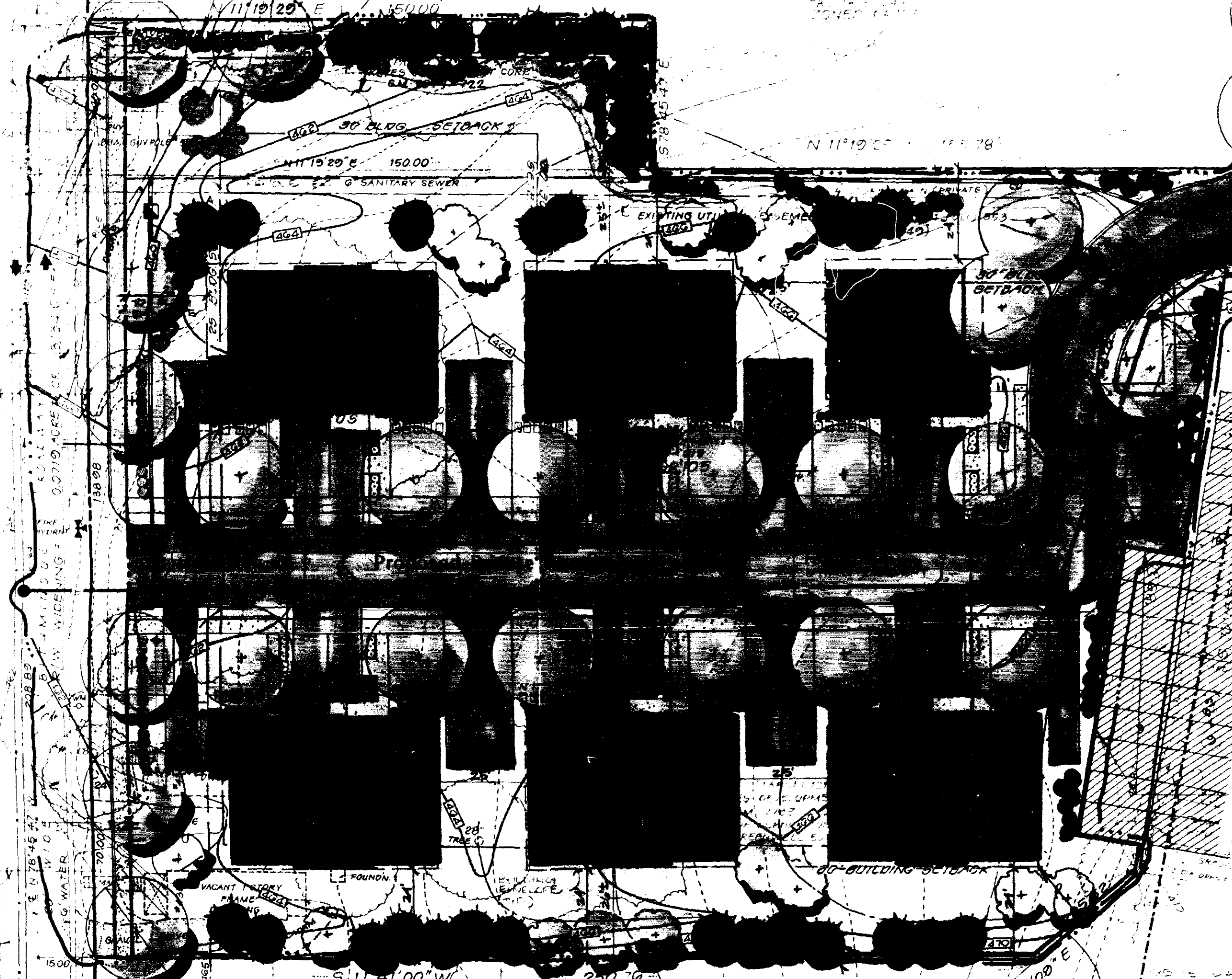
LOCATION MAP
SCALE: 1" = 2,000'

NOTE: SEE GENERAL NOTES BELOW FOR ADDITIONAL INFORMATION

AVENUE
RAILROAD
AVENUE

PENNSYLVANIA
N 78°45'47" W 248.98'

E.



General Notes:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES, AND THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REGULATIONS FOR THE PROTECTION OF WATER RESOURCES.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE DEVELOPER SHALL MAINTAIN THE EXISTING UTILITIES AND STRUCTURES ON THE SITE.

5. THE DEVELOPER SHALL MAINTAIN THE EXISTING LANDSCAPING AND PLANTINGS ON THE SITE.

6. THE DEVELOPER SHALL MAINTAIN THE EXISTING BUILDINGS AND STRUCTURES ON THE SITE.

7. THE DEVELOPER SHALL MAINTAIN THE EXISTING ROADS AND DRIVEWAYS ON THE SITE.

8. THE DEVELOPER SHALL MAINTAIN THE EXISTING FENCES AND BARRIERS ON THE SITE.

9. THE DEVELOPER SHALL MAINTAIN THE EXISTING SIGNAGE AND MARKINGS ON THE SITE.

10. THE DEVELOPER SHALL MAINTAIN THE EXISTING UTILITIES AND STRUCTURES ON THE SITE.

STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone: 301-944-9112

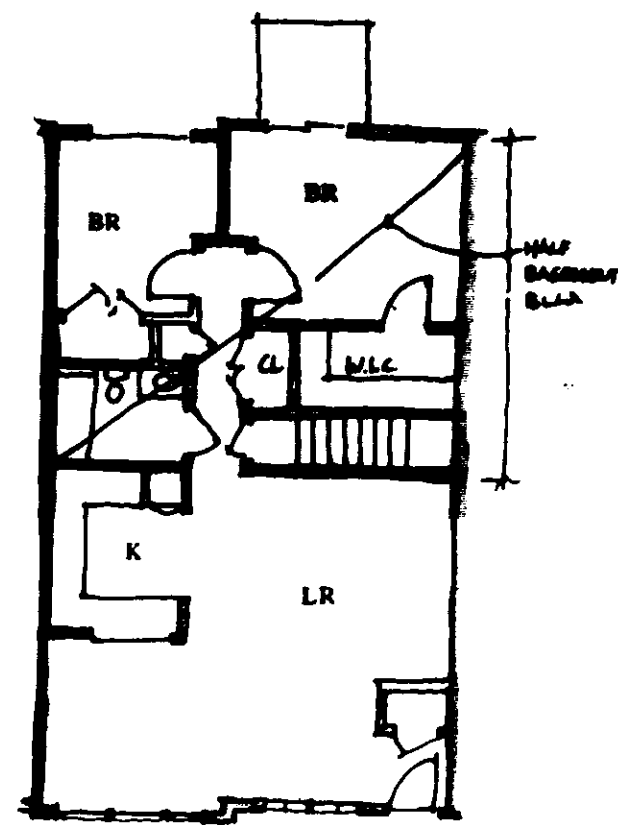
REVISIONS	
NO.	DESCRIPTION

PETITIONER'S
EXHIBIT 2

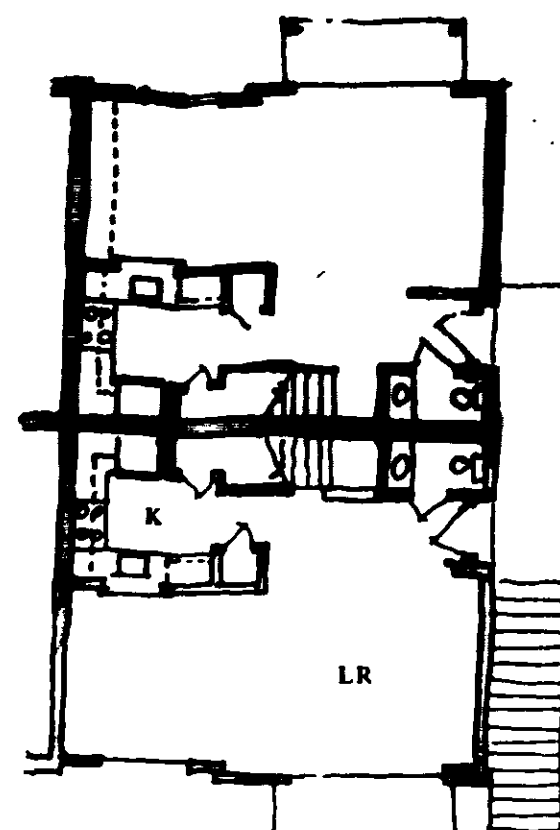
PLAN PREPARATION	
DATE	10-92
BY	RS
CHECKED BY	
DATE	

Development Plan
HARRIS HILL
Election District 9 Councilmanic District 4
Baltimore County, Maryland

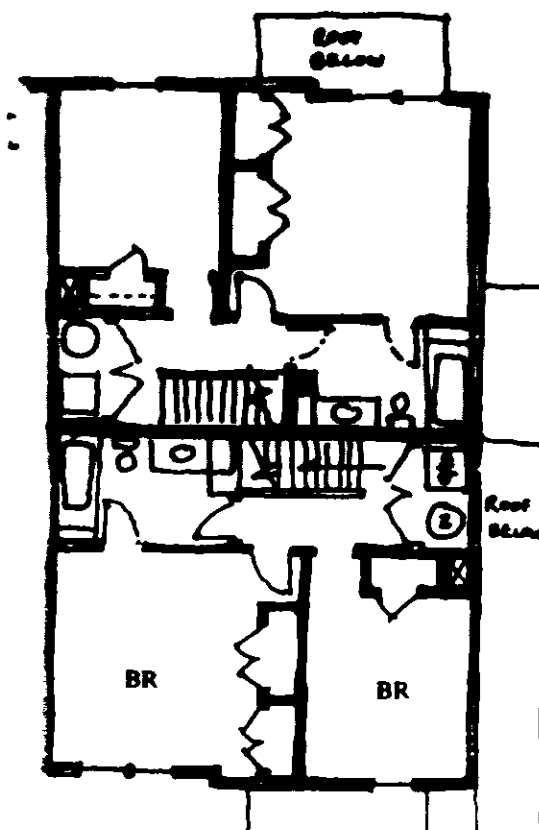
DRAWING NO. 61-8970
SHEET NO. 1 of 2



First Floor Flat



Second Floor



Third Floor

Condominium Plans



Joppa Road Elevation



Condominiums, Front



Condominiums, Rear

Developer
East Towson Joint Venture
- Struever Brothers, Eccles & Rouse
- Plymouth Development Co.
- Keys Development Co.

93-153-A

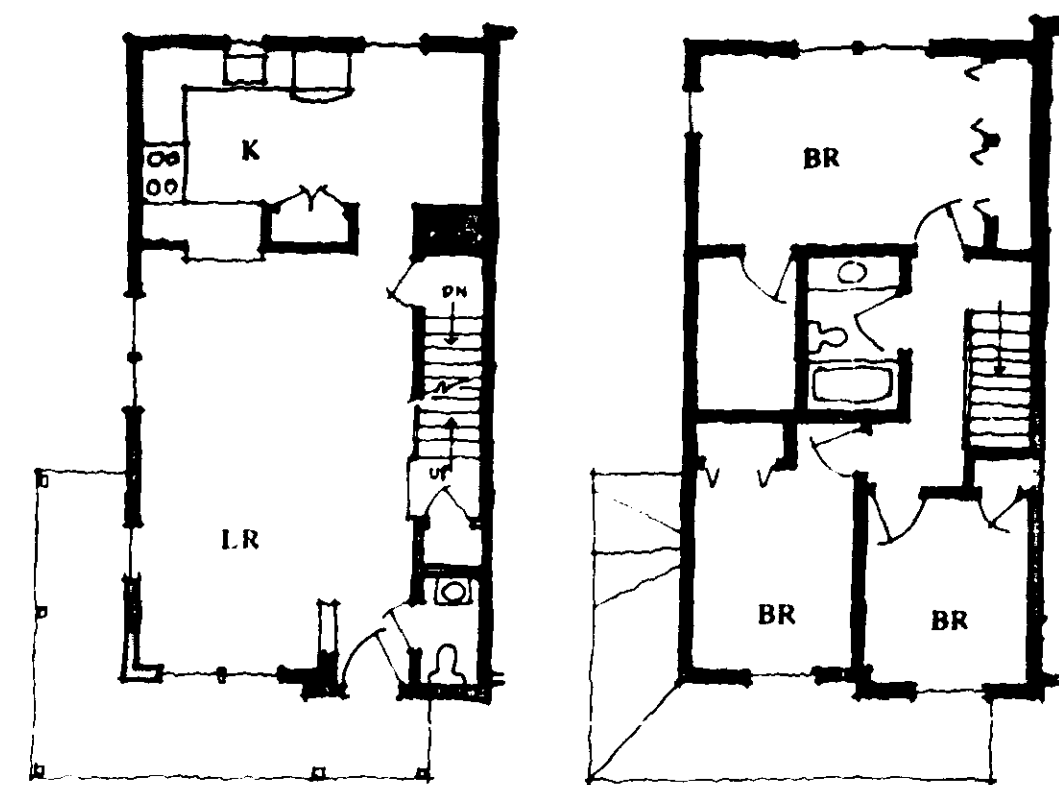
HARRIS HILL HOUSING IN EAST TOWSON

PETITIONER'S
EXHIBIT 44

Architects
Cho, Wilks & Benn Architects, Inc.

Date
June 23, 1992

93-153-A



First Floor
Townhouse Plans

Second Floor



Townhouses, Pennsylvania Avenue Elevation



Townhouses, Front (East)



Townhouses, East Elevation (Rear)

Developer

East Towson Joint Venture
- Struever Brothers, Eccles & Rouse
- Plymouth Development Co.
- Keys Development Co.

93-153-A

**HARRIS HILL
HOUSING IN EAST TOWSON**

PETTYNER'S
EXHIBIT 43

Architects
Cho, Wilks & Benn Architects, Inc.

Date
June 23, 1992

which had been granted by DEPRM for regulations for the protection of water quality, streams, wetlands and floodplains, should be inserted. Also, certain corrections and modifications may be necessary to the Storm Water Management Concept Plan. Mr. Seeley requested that these two comments be added to the plan, a request with which the Developer acquiesced. Thus, it appears that DEPRM's concerns have been fully satisfied and there are no open environmental issues.

Also testifying from Baltimore County was John L. Lewis from the Office of Zoning Administration. Mr. Lewis noted that the modified parking plan requested pursuant to Section 409.12 of the B.C.Z.R. will incorporate the Petitioner's plan to permit five compact parking spaces as shown on the development plan. Also, Mr. Lewis opined that the Hearing Officer's hearing could also serve as that public forum necessary for relief under Section 409.8(b). That is, no use permit hearing is necessary in view of the public Hearing Officer's hearing. I shall so adopt the modified plan as presented and consider the public hearing held in this case as satisfying the requirement for public participation for a use permit under Section 409.8(b) of the B.C.Z.R.

In terms of community participation, testimony was received from John Etzer who owns property in the vicinity. He directed certain questions to the Developer relating to handicap accessibility. These concerns were apparently resolved to his satisfaction.

Also testifying was Dr. Thomas Daley, who owns property at 215 Joppa Road. This property is one lot removed from the subject site. He is opposed to the setback variances requested. In his view, strict compliance with the appropriate setback regulations should be maintained by the

Developer. He believes that the granting of the variances would adversely affect the property values in the vicinity.

Also testifying was Louis Mangione who owns approximately 3 acres immediately to the south and west of the subject site. His concerns are largely related to the proposed landscaping on the property. Notwithstanding the Developer's testimony that the proposed landscape plan was fully in compliance with the County's manual and had been approved by Mr. Hardin, Mr. Mangione believes that additional landscaping should be provided. He also fears traffic congestion by an internal private roadway on which vehicles could traverse from Joppa Road to Pennsylvania Avenue. Although Mr. Mangione's property is not developed, it is clear that he fears potential opposition from the future residents of this subject site when he plans the development of his property.

As to the development plans submitted, Section 26-206 of the Development Regulations permits me to approve the project if same is in compliance with the development regulation and applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County. In this respect, I am persuaded that the Developer has met his burden. The development plan submitted, as revised, is fully in compliance with the development regulations. This was clearly demonstrated based on the uncontradicted testimony of Mr. Cortez, as well as that provided by the County witnesses, Mr. Seeley and Mr. Lewis. It is apparent that the Developer has made significant efforts to comply with the appropriate development regulations. Further, the scope and nature of the project is to be lauded. The project provides needed and appropriately priced housing within the East Towson community. As noted in the development plan comments, this project enjoys the support of Baltimore County

Office of Planning and Zoning, as well as the Office of Community Development. Frankly, it is difficult to appreciate the concerns expressed by the Protestants. These Protestants, who either now own or will develop their properties for commercial/office use, oppose the residential development proposed by this project. There is no basis in the record before me that the project will in any manner adversely affect these surrounding properties.

As to the variances requested, the testimony of Messrs. Cortez and Holbeck was particularly relevant. They indicated that the variances are necessary because of certain site constraints, including the configuration of the lots and steep topography of the property. Although the variances are numerous in number, it is to be noted that they are inter-related. That is, this is an integrated project which calls for the construction of ten buildings on approximately 6 acres. Obviously great care has been taken by the Developer to ensure that the buildings are compatible with one another and with the surrounding locale. Clearly, it is due to this integrated scheme of development that a consistent architectural style need be established. In fact, this style has resulted in the necessity of the variances requested, both as to the appropriate setbacks and parking requirements.

Clearly, it has been established by the testimony presented that the variances, if granted, will not be contrary to the spirit of the B.C.Z.R. and will not result in an injury to the public good. The granting of these variances will not adversely affect the public health, safety and general welfare. Further, the Petitioner has established that specific site constraints and lot configurations exist which are particular to the subject property. These factors clearly justify the granting of these

variances and establish that the Petitioner will suffer practical difficulty if they are denied. The Petitioner has met its burden as prescribed by Section 307 of the B.C.Z.R. and the case law. McLean v. Soley, 270 Md. 208 (1973) and Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Therefore, pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property, and public hearing held thereon, I will approve the development plan and variances requested herein consistent with the comments and restrictions contained above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1992 that the amended development plan submitted for the subject property located in east Towson and comprised of two lots known as 425-435 Pennsylvania Avenue and 417, 419 and 503 Joppa Road, and known as the Harris Hill Community, proposed by East Towson Joint Venture, as shown on Petitioner's Exhibit No. 2, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the following variances:

1. From Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and associated provisions of the Comprehensive Manual Development Policy (CMDP) to permit:

(A) a 24 ft. rear building envelope setback to rear property line

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

for buildings 2,3,4,5 and 6, and a 20 ft. rear building envelope setback to rear property line for building 6, all in lieu of the required 30 ft.;

(B) an 11 ft. side yard setback for building 3 to a private road in lieu of the required 25 ft.; and,

(C) a 21 ft. side yard setback for buildings 1 and 4 to the public street right-of-way in lieu of the required 25 ft.

2. From Section 409.8A.1 of the B.C.Z.R. to permit:

(A) a 2 ft. and 7 ft. parking to property line design standard in lieu of the required setbacks in the landscape manual for buildings 7,8,9 and 10;

(B) a 3 ft. parking to building setback in lieu of the required 6 ft. in the landscape manual for buildings 7,8,9 and 10; and

(C) an approval of the modified parking plan proposed, pursuant to Section 409.12B.

3. From Section 201.3C.2 of the B.C.Z.R. to permit the following in an R.A.E.2 zone:

(A) a distance of 50 ft. between facing windows at building envelopes 8 and 10 and 56 ft. between facing windows at building envelopes 7 and 9, all in lieu of the required 75 ft.;

(B) a 64 ft. distance between facing windows at building envelopes 7 and 8 and building envelopes 9 and 10, in lieu of the required 75 ft.

4. An amended request has been presented for relief from Section 201.3.C.1 of the B.C.Z.R. to permit:

(A) A setback distance of 8 ft. from the building envelope to the street line setback of Joppa Road in lieu of the required 15 ft. for building 8;

(B) A distance of 48 ft. from the building envelope setback to the street centerline on Joppa Road for building 8 and a 53 ft. distance from building envelope setback to the street centerline on Joppa Road for building 10, in lieu of the required 60 ft.; and

(C) A 20 ft. building envelope setback distance to the property line for buildings 7 to 10, in lieu of the required 30 ft., be and are hereby GRANTED, all as more particularly shown on Petitioner's Exhibits 5A and 5B; and,

IT IS FURTHER ORDERED that a Waiver from Section 26-278 of the Baltimore County Code, as it relates to preservation of historic structures, be and is hereby GRANTED.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 23, 1992

Keith E. Ronald, Esquire
Thomas, Ronald & Cooper, P.A.
Suite 314, 409 Washington Avenue
Towson, Maryland 21204

RE: Project No. 92-148-2
Case No. IX-590 and 93-153-A
Keys Development Corporation
East Towson Joint Venture - Harris Hill

Dear Mr. Ronald:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order/Variance Order have been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Harold T. Rubin
Tony Cortez
George Holbeck
Robert Hoffman, Esquire
George Breschi, Esquire
Joseph LaVerghetta, Esquire



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 425-435 (00D) Pennsylvania Avenue, 417, 419 and 503 Joppa Road which is presently zoned B.A.E. 2 Zone

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee	None
(Type or Print Name)	
Signature	
Address	
City	
State	
Zip Code	
Attorney for Petitioner	KEYS DEVELOPMENT CORPORATION
Signature	By: <i>Harold T. Rubin</i>
Address	HAROLD T. RUBIN, Vice President PLYMOUTH DEVELOPMENT CORPORATION
City	Towson, Maryland
State	21286
Zip Code	
Name, Address and phone number of legal owner (contact purchaser or representative to be contacted)	THOMAS, RONALD & COOPER, P.A. Suite 314, 409 Washington Avenue Towson, Maryland 21204
Phone No.	(410) 825-2920
Address	see above (410) 825-2920
City	Towson, Maryland
State	21204
Zip Code	
Phone No.	(410) 296-6777

ESTIMATED LENGTH OF HEARING
Hearings are held on the following dates:
ALL OTHER
REVIEWED BY: *JS* DATE: 1/4/93

ORDER RECEIVED FOR FILING
Date 12/23/92
By Mr. Cortez

The following variances will be requested: 93-153-A 157

A. Variances are requested from section 1 B01.2.C.1 (BCZR) and pages 11-2 and 11-26 (CMOP) to permit the following in the D.R. 10.5 Zone:

- 24' rear building envelope setback to rear property line for buildings 2,3,4,5 and 6 and a 20' rear building envelope setback to rear property line for building 6 in lieu of the required 30'.
- A 11' side of building 3 envelope setback to private road in lieu of the required 25'.
- 21' side of building 1 and 4 envelope setback to public street RW in lieu of the required 25'.

B. Variances are requested from section 409.8 A-1 (BCZR) to permit the following:

- * 1) 2' and 7' parking to property line design standards in lieu of the required setbacks in the landscape manual for buildings 7, 8, 9, and 10.
- * 2) 3' parking to building in lieu of the required 6' setback in the landscape manual for buildings 7, 8, 9, and 10.
- * 3) We request that the Zoning Commissioner approve the modified parking plan pursuant to section 409.12 B.

A waiver of landscape requirements per the Baltimore County Landscape Manual is also being requested.

C. Variances are requested from section 201.3.C.2 (BCZR) to permit the following in the R.A.E. 2 Zone:

- 50' between facing windows at building envelopes 8 and 10 and 56' between facing windows at building envelopes 7 and 9 in lieu of the required 75'.
- 64' between facing windows at building envelopes 7 and 8 and building envelopes 9 and 10 in lieu of the required 75'.

D. Variances are requested from section 201.3.C.1 (BCZR) to permit the following:

- As close as 10' from building envelope to street line setback of Joppa Road in lieu of the required 15' for building 8.
- 50' from building envelope setback to the street centerline on Joppa Road for building 8 and 55' from building envelope setback to the street centerline on Joppa Road for building 10 in lieu of the required 60'.
- 20' building envelope setback to property line for buildings 7-10 in lieu of the required 30'.

E. Variances are requested from section 1 B01.2.C.1 and 102.2 (BCZR) to permit the following for the townhouse alternate:

- 24' building separation between alternative building envelope 4 to rear building face of alternative building 12 in lieu of the required 40'.
- 21' building separation between alternative building envelope 4 to rear building face of alternative building 11 in lieu of the required 40'.

PETITION OF PLYMOUTH DEVELOPMENT CORPORATION AND
KEYS DEVELOPMENT CORPORATION FOR VARIANCES

The area variances requested in this Petition are necessary in order to construct fifty-three affordable dwelling units on the irregular shaped parcels of property described in the Petition and Plat attached thereto. The slope of the subject property drops off approximately 40 feet over the 600 feet from the front of the property on Joppa Road to the rear property line on East Pennsylvania Avenue. Variances are also required in order to accommodate the requests of the local community association and representatives of Baltimore County to include within the development a private roadway providing all residents direct access to Joppa Road.

Strict compliance with the area regulations from which variances are sought would unreasonably prevent the use of the property for residential purposes or would render conformance unnecessarily burdensome. A lesser relaxation of the regulations from which variances are requested would give substantial relief to the Petitioner in such fashion that the spirit of the Baltimore County Zoning Regulations will be observed and public safety and welfare secured. This is best exemplified by the facts that (i) the private roadway to be constructed through the development will promote safety both within the development and throughout the neighboring community by providing all residents in this development direct access to Joppa Road; and (ii) the 36 density units proposed to be constructed in the R.A.E. 2 zoned property of the Petitioner in accordance with the attached plan is 81 less than the 117 density units permitted by the property's zoning. The 17 dwelling units proposed to be constructed in the D.R. 10.5 zone by the Petitioner is in compliance with the County's density requirement for that zone.

STV Group
engineers/architects/planners/scientists/construction managers

ZONING DESCRIPTION FOR
HARRIS HILL
417-503 E. JOPPA ROAD
& 425-435 E. PENNSYLVANIA AVENUE
EAST TOWSON, BALTIMORE COUNTY, MARYLAND.

BEGINNING at a point along the northeasterly side of E. Pennsylvania Avenue (30 feet wide), distant North 78°45'47" West 18 feet from the northeasterly projection of the existing centerline of Railroad Avenue, thence leaving said E. Pennsylvania Avenue and running:

- North 11°19'29" East 150.00 feet to a point, thence,
- South 78°45'47" East 40.00 feet to a point, thence,
- North 11°19'29" East 155.78 feet to a point, thence,
- North 70°15'52" West 171.34 feet to a point, thence,
- North 21°19'43" East 301.94 feet to a point to intersect the south-westerly side of E. Joppa Road (variable width right-of-way), thence along same the following course and distance; by a curve to the right having,
- A radius of 2,821.79 feet, an arc length of 200.58 feet, said curve being subtended by a chord bearing South 71°05'35" East 200.53 feet to a point, thence, leaving said E. Joppa Road and continuing,
- South 21°19'43" West 304.84 feet to a point, thence,
- South 70°15'52" East 160.27 feet to a point, thence,
- South 29°22'09" East 35.62 feet to a point, thence,
- South 11°41'00" West 250.76 feet to a point to intersect the aforementioned northeasterly side of E. Pennsylvania Avenue, thence along same,
- North 78°45'47" West 248.98 feet to the point of beginning.

CONTAINING 2.9298 acres of land, more or less.

BEING the aggregate of those same parcels of land as described in the following deeds:

21 Governor's Court, Baltimore, MD 21244-2722; tel: 410-944-9112 fax: 410-298-2794

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9A Date of Posting: 11/13/92
Posted for: Keys Development Corp.
Petitioner: Keys Development Corp.
Location of property: 417-503 E. Joppa Rd. & 425-435 E. Pennsylvania Ave.
Location of Sign: Facing Joppa Rd. & E. Pennsylvania Ave. at property corner
Remarks: 24' rear building envelope setback to rear property line for buildings 2,3,4,5 and 6 and a 20' rear building envelope setback to rear property line for building 6 in lieu of the required 30'.
Posted by: [Signature] Date of return: 11/14/92
Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/24/92
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/24/92.

THE JEFFERSONIAN,

S. Zafe Orlov
Publisher

\$153.88

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9A Date of Posting: 11/26/92
Posted for: Keys Development Corp. (Harris Hill)
Petitioner: Keys Development Corp.
Location of property: 417-503 E. Joppa Rd. & 425-435 E. Pennsylvania Ave.
Location of Sign: Facing Joppa Rd. & E. Pennsylvania Ave. at property corner
Remarks: 24' rear building envelope setback to rear property line for buildings 2,3,4,5 and 6 and a 20' rear building envelope setback to rear property line for building 6 in lieu of the required 30'.
Posted by: [Signature] Date of return: 11/27/92
Number of Signs: 2

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

1/28/93
APPEAL FEES
140 - OF ALL OTHER ORDERS 1 X \$175.00
145 - OF A DEV. HEARING DECISION 1 X \$250.00
150 - POSTING SIGNS / ADVERTISING 1 X \$35.00
TOTAL: \$460.00
LAST NAME OF OWNER: KEYS DEV CORP.

04A040012012CHRC \$460.00
04011514M11-28-93
Please Make Checks Payable To: Baltimore County

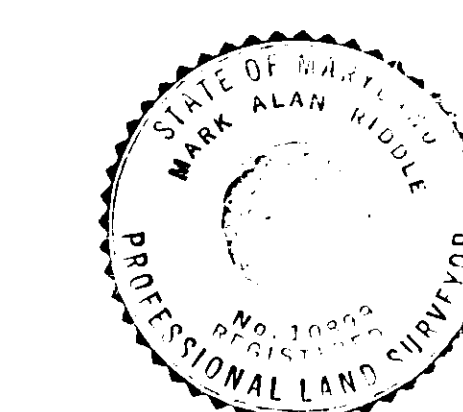
STV Group

Keys Development Corporation:
Liber S.M. 7644, folio 722
Liber S.M. 7739, folio 618
Liber S.M. 7739, folio 620

Plymouth Limited:
Liber S.M. 7487, folio 039
Liber S.M. 7431, folio 554

Plymouth Development Corporation:
Liber S.M. 7644, folio 724

STV GROUP
Mark A. Riddle
MD Professional Land Surveyor No. 10899



October 23, 1992

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: IX 590 (230)
93-153A (20)
1/28/93
APPEAL FEES
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145 - OF A DEV. HEARING DECISION 1 X \$250.00
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LAST NAME OF OWNER: KEYS DEV CORP.

04A040012012CHRC \$460.00
04011514M11-28-93
Please Make Checks Payable To: Baltimore County

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 93-153
1/28/93
APPEAL FEES
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145 - OF A DEV. HEARING DECISION 1 X \$250.00
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